

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

GARY W LORENZEN
Claimant

APPEAL NO: 12A-UI-10805-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 08/05/12
Claimant: Appellant (4)

871 IAC 24.1(113)a – Temporary Layoff

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 31, 2012, reference 01, that held he voluntarily quit without good cause on July 30, 2012, and which denied benefits. A telephone hearing was held on October 2, 2012. The claimant participated. Carrie Anglin, branch manager, participated for the employer.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began employment as a full-time truck mechanic at a truck leasing business on November 28, 2011, and last worked for the employer on July 26, 2012. The claimant made an arrangement to be off work on Friday, July 27.

As he was reporting to work on Monday, July 30, his vehicle broke down and his father-in-law helped him to get to a gas station across from the employer's business location. An employer representative saw claimant at the station, came across the street, and told him he was terminated.

Later, when claimant came into the employer to return his uniforms, an employer representative was able to put him back on the same assignment, which he resumed August 22.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The administrative law judge concludes claimant's employment separation was a temporary layoff from a work assignment for the period from the effective date of his claim to August 22, 2012. Claimant is eligible for benefits during this period of unemployment.

The claimant offered firsthand knowledge of the employment separation issue while the employer witness was limited to the employer computer record. What is apparent is that claimant worked the same assignment from November 28, 2011 through July 26, 2012. A transportation issue caused an interruption from the assignment, which led to a temporary suspension from work that ended up being more like a temporary layoff than a termination, due to his re-instatement on the same job beginning August 22.

DECISION:

The department decision dated August 31, 2012, reference 01, is modified. The claimant was on a temporary layoff from the effective date of his claim August 5, 2012 through August 22, 2012 and is entitled to benefits for this period, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw