

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KATHRYN PHILLIPS**  
Claimant

**JANET LAGERSTROM**  
Employer

**APPEAL 20A-UI-10985-NM-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Respondent (1)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

On September 8, 2020, the employer filed an appeal from the September 3, 2020, (reference 02) unemployment insurance decision that allowed benefits based on a determination that claimant was laid off due to lack of work. The parties were properly notified about the hearing. A telephone hearing was held on October 27, 2020. Claimant participated and testified. Employer participated through owner Janet Lagerstrom.

**ISSUES:**

Was the claimant laid off due to lack of work?  
Has the claimant been overpaid any unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can any charges to the employer's account be waived?

**FINDINGS OF FACT:**

Claimant began working for employer on December 20, 2019. Claimant last worked as a part-time cleaner. Claimant was separated from employment on April 24, 2020, when the bank she was assigned to clean closed. The employer did not have any other locations that needed cleaning services and as such, work was no longer available to the claimant. The bank's closure was planned prior to the COVID 19 public health emergency.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was laid off due to a lack of work. Benefits are allowed.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.1(113)a provides:

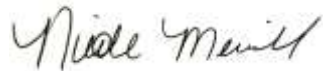
Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status 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.

On April 24, 2020, claimant was permanently laid off due to a lack of work when the business she cleaned closed. The employer had no other work for her. Therefore, the separation (layoff) was attributable to a lack of work by the employer. Benefits are allowed. Because of being permanently laid off from work, claimant is obligated to make at least two searches during each week benefits are claimed. As benefits are allowed, the issues of overpayment and participation are moot.

**DECISION:**

The September 3, 2020, (reference 02) unemployment insurance decision is affirmed. The claimant was permanently laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issues of overpayment and participation are moot.



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Nicole Merrill  
Administrative Law Judge

October 29, 2020  
Decision Dated and Mailed

nm/sam