

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER M BROOKS
Claimant

APPEAL NO. 11A-UI-05175-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RMG DIRECT INC
Employer

OC: 04/04/10
Claimant: Respondent (5)

Section 96.5-1 – Voluntary Quit
871 IAC 24.1(113)a – Layoff

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated April 7, 2011, reference 04, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 13, 2011. Employer participated by Niko Simone, Director of Human Resources. Claimant did not participate, having failed to be available at the phone number provided.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on or about February 25, 2011 at the Manchester, Iowa location when she was laid off due to a permanent closing of that location.

On or about January 26, 2011 she was offered the opportunity to go to other locations of the employer. She did not accept effective on or about February 9, 2011. Claimant's significant other did accept the offer to go to the Independence location. Independence is about a 54-mile round trip further from claimant's residence than Manchester.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

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.

Claimant was laid off due to a business closing. Layoffs are a non-qualifying separation from employment.

DECISION:

The decision of the representative dated April 7, 2011, reference 04, is affirmed as modified. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/pjs