

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JONI STEEVE  
722 S 14<sup>TH</sup> ST  
CLARINDA IA 51632

NSK CORPORATION  
c/o TALX – UC EXPRESS  
P O BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-01527-SWT  
OC 11/02/03 R 01  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

871 IAC 24.1(113) - Layoff

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 9, 2004, reference 04, that concluded the claimant was laid off due to lack of work. A telephone hearing was held on March 4, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Judy O'Grady participated in the hearing on behalf of the employer with a witness, Linda Swanson.

FINDINGS OF FACT:

The claimant worked full time for the employer from July 7, 1997, to September 19, 2003, as a machine operator when she was laid off due to lack of work. She was subject to recall for one year. The claimant's last job paid her \$15.88 per hour. The claimant was terminated from the active recall list for failing to return to work effective January 5, 2004.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a. The claimant was laid off due to lack of work as of September 19, 2003. The failure to return to work must be evaluated under the refusal of suitable work statute (which is the subject of 04A-UI-01526-SWT) and does not change the fact that the claimant's separation from work was a layoff due to lack of work. 871 IAC 24.1(113).

DECISION:

The unemployment insurance decision dated February 9, 2004, reference 04, is affirmed. The claimant was laid off due to lack of work effective September 19, 2003, and she is eligible for benefits based on that separation from work, provided she is otherwise qualified.

saw/s