

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUBREYA S ALLEN
Claimant

APPEAL NO. 10A-UI-12659-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARKETLINK INC
Employer

**OC: 07/18/10
Claimant: Respondent (1R)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated September 8, 2010, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 3, 2011. Employer participated by Amy Potratz, Human Resource Manager. Claimant was not available when called and did not participate.

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 July 22, 2010. Claimant was laid off due to lack of work July 26, 2010. Employer asked claimant to return from layoff on July 28, 2010. Claimant agreed but did not report back to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when employer terminated the employment relationship because of a layoff due to lack of work. This is a separation cause by employer. The refusal to return to work is a different issue that must be decided on remand. Benefits allowed.

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.

DECISION:

The decision of the representative dated September 8, 2010, reference 01, is affirmed and remanded. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. This matter is remanded for a hearing on whether claimant refused suitable work effective July 28, 2010.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs