

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FRANCIS E SNOWDEN**

Claimant

**APPEAL NO: 14A-UI-07424-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**

Employer

**OC: 12/29/13**

**Claimant: Appellant (4)**

Iowa Code § 96.5 – Nondisqualifying Separation  
871 IAC 24.1(113) – Layoff  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's July 15, 2014 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated at the August 28 hearing. Gail Gonyaw, an associate, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not disqualified from receiving benefits based on the reasons for his employment separation, but he is not eligible to receive benefits until he reopens his claim and establishes that his doctor has released him to work and he is able to and available for work.

**ISSUES:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

Is the claimant able to and available for work as of May 11, 2014?

**FINDINGS OF FACT:**

The claimant started working on and off for one of the employer's clients in September 2009. The last day the claimant worked for this client was April 30, 2014. The client told the claimant there was no more work for him to do, but the client would call him when there was again work for the claimant to do.

On May 3, the claimant fell and hurt his shoulder. On May 5, the claimant saw a doctor. The claimant had surgery on May 27, 2014. As of August 28, the claimant's physician has not released him to work.

After the employer received notice the claimant had reopened his claim for benefits, the employer contacted the client and learned the claimant had fallen and would be unable to work for months.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment for reasons that qualify him to receive benefits, or the employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant's employment ended on April 30 when he completed a job assignment because the client did not have any work for the claimant to do. The claimant was laid off on April 30, 2014. 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 seasonal employment. 871 IAC 24.1(113).

The claimant established good cause for not contacting the employer. After the claimant fell and injured himself on May 3, the claimant was unable to work. He notified the client that he was unable to work after he fell. The claimant did not quit and he was not discharged for work. Instead, he was laid off from work because of a slowdown in the client's business. 871 IAC 24.1(113). The client planned to contact the claimant to work again when there was work for the claimant to do.

The claimant's employment separation occurred because of a layoff. A layoff does not disqualify him from receiving benefits.

Each week a claimant files a claim for benefits, he must be able to and available for work. Iowa Code § 96.4(3). On May 3, the claimant fell and injured himself. The claimant acknowledged that as of May 4 he was unable to work. As of August 28, the claimant remains ineligible to receive benefits because his physician has not yet released him to work.

As of May 11, 2014, the claimant is not eligible to receive benefits because he is not able to work. This ineligibility continues until he reopens his claim and provides the Department with his doctor's release and he establishes that he is able to and available for work.

#### **DECISION:**

The representative's July 15, 2014 determination (reference 04) is modified in the claimant's favor. The claimant did not quit his employment for reasons that disqualify him from receiving benefits. Instead, his employment separation occurred because he had completed a job and that client did not have any more work for the claimant to do.

Even though the employment separation is for nondisqualifying reasons, a layoff, the claimant is not able to or available for work as of May 11, 2014. As of May 11, the claimant is not eligible to receive benefits. The claimant remains ineligible to receive benefits until he provides the Department with his doctor's release to work and establishes that he is able to and available for work.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs