

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**HOWARD T CONES**

Claimant

**APPEAL NO. 14A-UI-09296-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 06/29/14**

**Claimant: Respondent (1)**

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871 IAC 24.1(113)a – Layoff

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated September 2, 2014, reference 03, that concluded the claimant was on a short-term layoff and was eligible for benefits. A telephone hearing was held on September 26, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Julie Coughlin participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant laid off due to lack of work?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. He worked for the employer from March 15, 2014 to August 19, 2014. He last assignment was with General Mills. When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant reopened his claim for unemployment insurance benefits during the week of August 10, 2014 because General Mills had no work available for him. He contacted the employer about work and no work was available.

The claimant returned to work on August 18 and 19 and then was off work for medical reasons. He has not filed for unemployment benefits since the week ending August 16, 2014.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base-period employer on the claim.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, a claimant whose separation is a layoff is qualified to receive benefits, if the claimant is otherwise eligible. The rules define a layoff as “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.” 871 IAC 24.1(113)a.

The only week in question here is the week ending August 16. The claimant was eligible for benefits for that week because the employer had no work for him.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base-period employer on the claim. If the employer becomes a base-period employer in a future benefit year, charges to the employer's account will be determined based on the situation at that time.

The claimant will be required to reopen his claim for unemployment insurance benefits and his eligibility will be determined at that time.

**DECISION:**

The unemployment insurance decision dated September 2, 2014, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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