

**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**

**JAMIE L HANSEN
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SPENCER IA 51301**

**TAN-FANSTIC INC
2 E PARK
SPENCER IA 51301-4228**

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ATTORNEY AT LAW
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SPIRIT LAKE IA 51360**

**Appeal Number: 05A-UI-11636-S2T
OC: 0925/05 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, 4th 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)a – Separations From Employment

STATEMENT OF THE CASE:

Tan-Fastic (employer) appealed a representative's November 4, 2005 decision (reference 01) that concluded Jamie Hansen (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 1, 2005. The claimant participated personally and through her father, Donald Peterson, former President. The employer was represented by Ned Bjornstad, Attorney at Law, and participated by Shelley Heidebrink, Owner and Business Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was a one-quarter corporate owner of Tan-Fastic, Inc. from November 1994, until September 30, 2005. The claimant and her partners voted on whether to sell the business to the employer. The claimant voted against the sale as she was Tan-Fastic's only employee and would lose her income. The other partners voted to sell. The employer purchased the business on September 30, 2005, and renamed it Tan-Fastic LLC. The employer did not offer the claimant employment. The claimant filed for unemployment insurance benefits with an effective date of September 25, 2005.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was laid off for lack of work. For the following reasons the administrative law judge concludes she was.

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.

The employer laid the claimant off for lack of work on September 30, 2005. When an employer suspends a claimant from work status, the separation does not prejudice the claimant. The claimant is eligible to receive unemployment insurance benefits for that period.

DECISION:

The representative's November 4, 2005 decision (reference 01) is affirmed. The claimant was laid off for lack of work and is eligible to receive unemployment insurance benefits.

bas/tjc