

**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**

**SHERYL A JACOBSEN
819 PARK PL
CLINTON IA 52732**

**PEOPLE 2.0 GLOBAL INC
780 E MARKET ST #120
WEST CHESTER PA 19382**

**Appeal Number: 06A-UI-07137-H2T
OC: 06-04-06 R: 04
Claimant: Respondent (1R)**

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)

Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 3, 2006, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on August 2, 2006. The claimant did participate. The employer did participate through Amy McKendrick, Analyst.

ISSUES:

Is the claimant eligible to receive unemployment insurance benefits due to a layoff?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was assigned to work as a sign language interpreter at Clinton High School beginning in January 1998. She has been laid off during the summer since school let out on June 2, 2006 and anticipates a return to work when school begins again on August 24, 2006.

When the claimant was initially assigned to work at Clinton High School, she was working for People 2.0 Global inc. (unemployment account number 330412). On December 30, 2005, People 2.0 sold its business in Clinton, Iowa, including claimant's assignment to Allstar Staffing. The claimant continued to work at her assignment at Clinton High School after the business sale or transfer was made between People 2.0 and Allstar Staffing. It appears that no notice of claim has been sent to Allstar Staffing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code section 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.

The claimant is temporarily laid off during the summer months while school is not in session. The claimant's current employer is Allstar Staffing, which does not appear to be an educational institution. Since there is no work available for the claimant during the summer, Allstar placed her on layoff. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The July 3, 2006, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The separation issue from Allstar Staffing delineated in the findings of fact is remanded for an initial review and determination.

tkh/cs