

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**RHONDA L GAGE**  
Claimant

**APPEAL NO. 17A-UI-10268-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LOST ISLAND WATER PARK INC**  
Employer

**OC: 09/10/17**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 2, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 24, 2017. Claimant participated and had witness Abigail Flockhart. Employer participated by Eric Bertch and Bill Brousseau. Claimant's Exhibit A was admitted into evidence.

**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 August 31, 2017. The water park where claimant worked closed on August 27, 2017. Claimant knew at the time of hire that her work would be seasonal and that she would be laid off at the end of the season. Employer offered hours for a few days to waterpark employees after the season ended to clean up the park and prepare for the off-season. Claimant worked from August 28, 2017 through August 31, 2017. After those days, only a few trash cans were left to be moved. Claimant didn't show for the last volunteer date to work. Claimant filed her original claim in this matter a week later.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.25(40) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The

following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

Iowa Admin. Code r. 871-24.26(13) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(13) A claimant who, when told of a scheduled future layoff, leaves employment before the layoff date shall be deemed to be not available for work until the future separation date designated by the employer. After the employer-designated date, the separation shall be considered a layoff.

The administrative law judge holds that the evidence has established that claimant was being laid off from her seasonal work effective September 1, 2017. There was no work requirement on September 1, 2017. As such, claimant is eligible for unemployment benefits from the date of layoff, provided she is otherwise eligible.

**DECISION:**

The decision of the representative dated October 2, 2017, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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