

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BRYAN L GORDINIER**  
Claimant

**MONARCH MATERIALS GROUP INC**  
Employer

**APPEAL 15A-UI-00483-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/21/14**  
**Claimant: Respondent (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work  
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 5, 2014 (reference 02) unemployment insurance decision that allowed benefits based upon a short term layoff. The parties were properly notified about the hearing. A telephone hearing was held on February 5, 2015. Although duly notified, the claimant did not participate. The employer participated through Mo Warden and Eric Johnson.

**ISSUE:**

Was the claimant temporarily laid off due to a lack of work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a welder and was separated from employment on December 22, 2014 when he was temporarily laid off due to a lack of work. The claimant returned to work on January 7, 2015. During the two weeks, the claimant was paid for three holidays on December 25, December 26, and January 1. The claimant received his three days' holiday pay for these days in the gross amount of \$354 on January 8, 2015.

The claimant has since been permanently separated from employment. That separation has not yet been determined at the claims level.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.1 provides:

Definitions. Unless the context otherwise requires, the terms used in these rules shall have the following meaning. All terms which are defined in Iowa Code chapter 96 shall be construed as they are defined in Iowa Code chapter 96.

Iowa Admin. Code r. 871-24.1(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 did not have work for the claimant to perform during the weeks ending December 27, 2014 and January 3, 2015. The claimant returned to work the following week. Therefore, the temporary separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The January 5, 2015 (reference 02) unemployment insurance decision is affirmed. The claimant was temporarily laid off due to a lack of work from December 22, 2014 to January 5, 2015. Benefits are allowed during this period, provided the claimant is otherwise eligible.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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