

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TESSA M ANDERSEN
Claimant

APPEAL NO: 10A-UI-17630-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

**OC: 11/17/10
Claimant: Respondent (2)**

871 IAC 24.1(113)a – Temporary Lay-off

STATEMENT OF THE CASE:

The employer appealed a department decision dated December 20, 2010, reference 02, that held claimant was unemployed due to a temporary lay-off beginning November 7, 2010, and benefits are allowed. A telephone hearing was held on February 9, 2011. The claimant did not participate. Kathy Hutchison, Branch Manager, and Chad Baker, Work Comp Administrator, participated for the employer.

ISSUE:

The issue is whether the claimant was temporarily laid-off from work.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant began working on assignment for her employer at Medplast on September 20 2010. The claimant worked full-time in assembly and production. The claimant worked continuously until the assignment was completed on December 7, 2010.

Although claimant filed an unemployment claim effective November 7, 2010, she did not claim for and receive any benefit, thereafter. The claimant did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant was not laid-off for lack of work on November 7, 2010, and benefits are denied.

DECISION:

The department decision dated December 20, 2010, reference 02, is reversed. The claimant was not laid-off for lack of work on November 7, 2010 and benefits are denied.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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