

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TENNILLE L DAVIS**  
Claimant

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**APPEAL 18A-UI-00368-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/10/17**  
**Claimant: Appellant (2)**

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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 claimant filed an appeal from the January 5, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant quit without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on February 6, 2018. The claimant, Tennille L. Davis, participated. The employer, REM Iowa Community Services, Inc., registered a participant but did not answer when called at the hearing time. Claimant's Exhibits A, B, and C were received and admitted into the record.

**ISSUE:**

Was claimant 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: Claimant was employed full-time, most recently as a DSP worker, from December 20, 2012, until October 31, 2017, when she was laid off due to a lack of work. Prior to October 31, Katie came to the house where claimant worked and spoke with her and her co-worker. Katie informed them that the government was cutting funds for the individuals the employer served, so they would be laid off or switched to a first-shift position at another house. Claimant was not offered a second-shift position at that time. On October 31, claimant had a meeting with Program Director Kyle and Katie. During this meeting, Kyle reassured claimant that she was being laid off and the employer would contact her once it had first-shift work available for her. Claimant was not offered any second-shift work during this meeting. Claimant believes the employer restructured the shifts in the house where she formerly worked. There is one first-shift position at the house, but an employee named Kyle was given that position.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was laid off due to a lack of work from the employer. Benefits are allowed, provided claimant is otherwise eligible.

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.

Iowa Admin. Code r. 871-24.1(113)a provides:

All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. *Layoffs.* A layoff is a suspension from pay status 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.

In this case, the employer put claimant on a layoff in connection with restructuring its shifts at the house where claimant worked. There was no continued work available for claimant, and claimant did not decline any work offered to her at the time. The evidence establishes that claimant was laid off due to a lack of work. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The January 5, 2018, (reference 01) unemployment insurance decision is reversed. Claimant was laid off due to a lack of work. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

lj/scn