

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALFREDO RAMIREZ
Claimant

APPEAL 20A-UI-09563-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEABOARD TRIUMPH FOODS, LLC
Employer

**OC: 04/12/20
Claimant: Appellant (2)**

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause
Iowa Code section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code rule 871-24.32(1)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Alfredo Ramirez appealed the July 22, 2020 (reference 01) unemployment insurance decision that denied benefits. The agency properly notified the parties of the hearing. The undersigned presided over a telephone hearing on September 24, 2020. Ramirez participated personally and testified. Seaboard Triumph Foods, LLC (Seaboard) did not participate.

ISSUE:

Was Ramirez's separation from employment with Seaboard a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

Did Seaboard discharge Ramirez for job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Seaboard hired Ramirez on October 2, 2017. Ramirez worked full time as supervisor; after a leave of absence to undergo surgery and rehabilitate, Seaboard demoted him. Ramirez resigned on March 4, 2020, after learning of a layoff on March 31, 2020.

Seaboard informed Ramirez it had too many employees in his department. Seaboard considered Ramirez a new employee because he went on a leave of absence. Seaboard informed Ramirez that his position would be eliminated at the end of March, but he can leave whenever he wants. Ramirez chose to resign on March 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ramirez resigned from Seaboard after learning of a layoff at the end of the month. Consequently, Ramirez was not available for work from March 4, 2020, through March 31, 2020. Ramirez is entitled to benefits beginning on April 1, 2020, provided he is otherwise eligible.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quits without good cause attributable to the employer. Rule 871-24.26 identifies circumstances which are considered to be either not a voluntary quit or a voluntary quit for good cause attributable to the employer. Under rule 871-24.26(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.

Thus, Ramirez, is not eligible for benefits because he was not available for work from March 4, 2020, through March 31, 2020. Ramirez's layoff date at the end of the month means that he is entitled to benefits beginning on April 1, 2020, provided he is otherwise eligible.

DECISION:

The July 22, 2020 (reference 01) unemployment insurance decision is affirmed in part and reversed in part. Ramirez is not eligible for benefits from March 4, 2020, through March 31, 2020. However, Ramirez is entitled to benefits beginning on April 1, 2020, provided he is otherwise eligible. All benefits withheld from April 1, 2020, moving forward, due to the July 22, 2020 (reference 01) decision shall be paid.



Ben Humphrey
Administrative Law Judge

October 13, 2020
Decision Dated and Mailed

bh/scn