

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**ROGER L SMITH
215 CEDAR
PO BOX 44
MERIDEN IA 51037**

**CHEROKEE COUNTY
ATTN COUNTY AUDITOR
CHEROKEE IA 51012**

**Appeal Number: 06A-UI-01260-HT
OC: 12/25/05 R: 01
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Cherokee County, filed an appeal from a decision dated January 26, 2006, reference 01. The decision allowed benefits to the claimant, Roger Smith. After due notice was issued, a hearing was held by telephone conference call on March 2, 2006. The claimant participated on his own behalf. The employer participated by Country Auditor Bonnie Ebel.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Roger Smith was employed by Cherokee County from April 25 until November 23, 2005. He was a full-time seasonal worker whose job duties were mostly mowing along roadside ditches. At the time he was called back to work by

Foreman Larry Walker, he understood the job was seasonal, although no firm ending date was established. The ending date is determined by the weather and available seasonal work.

Some time the week of November 14, 2005, Mr. Walker informed the claimant he would not be needed after November 23, 2005. He worked through that date as required.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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.

871 IAC 24.26(22) 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:

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employees shall be considered to have voluntarily quit employment.

Both the claimant and the employer were aware Mr. Smith's job was a seasonal one and would end when the seasonal work was finished. He was advised of the ending date a week in advance and worked through that time as required. Under the provisions of the above Administrative Code section, this is not a disqualifying separation, but a temporary job which was completed according to the contract of hire. Disqualification may not be imposed.

DECISION:

The representative's decision of January 26, 2006, reference 01, is affirmed. Roger Smith is qualified for benefits, provided he is otherwise eligible.

bgh/kjw