

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KYLE SMITH**  
Claimant

**UNITED PARCEL SERVICE**  
Employer

**APPEAL 20R-UI-11848-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5-2-a – Discharge for Misconduct  
Iowa Code § 96.5-1 - Voluntary Quit  
871 IAC 24.26(22) – Specific Period of Employment

**STATEMENT OF THE CASE:**

Kyle Smith (claimant) appealed a representative's July 2, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the United Parcel Service (employer). Administrative Law Judge Humphrey issued a decision on September 1, 2020, affirming the representative's decision. The Employment Appeal Board issued a decision of remand on September 23, 2020.

After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 18, 2020. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 18, 2020. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant had been working for Ford Storage & Moving when he was laid off. He looked into working for the employer.

The employer had a program where a potential employee could be hired for a day to discover the work environment. On or about February 13, 2020, the employer hired the claimant for one day. The claimant completed his work assignment. The claimant liked the job and was willing to work but no other work was available through this employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes benefits are allowed, provided claimant is otherwise eligible.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.26(22) provides:

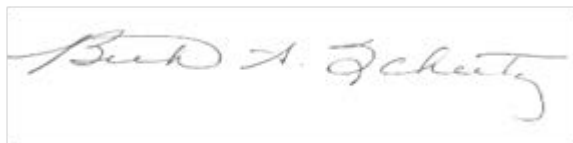
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(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.

If an employee is employed for a specific time and works for that time, the employee's leaving is with good cause attributable to the employer. The claimant was hired for one day. The claimant worked for that period. Inasmuch as the claimant completed the contract of hire with the employer, no disqualification is imposed for the claimant's leaving.

**DECISION:**

The representative's July 2, 2020 decision (reference 01) is reversed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.



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Beth A. Scheetz  
Administrative Law Judge

November 24, 2020  
Decision Dated and Mailed

bas/scn