

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODNEY L HEROLD**  
Claimant

**APPEAL NO. 09A-UI-14883-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DENVER FINDLEY & SON INC**  
Employer

**Original Claim: 01/04/09  
Claimant: Respondent (1)**

Section 96.5 – Causes for Disqualification

**STATEMENT OF THE CASE:**

Denver Findley & Son, Inc. (Findley) filed an appeal from a representative's decision dated September 22, 2009, reference 06, which held that no disqualification would be imposed regarding Rodney Herold's separation from employment. After due notice was issued, a hearing was held by telephone on November 2, 2009. Mr. Herold participated personally. The employer participated by Jack Findley, President/Owner.

**ISSUE:**

At issue in this matter is whether Mr. Herold was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Herold has been employed by Findley for approximately two years as a dump truck driver for the employer's construction business. He was hired with the understanding that the work would be seasonal. The work season begins in the spring, usually in April, and lasts until approximately December or as long as weather permits. During the season, employees are expected to work full-time hours. Mr. Herold filed an additional claim for job insurance benefits effective August 23, 2009, because he was working reduced hours. He has not claimed benefits since the week ending August 29, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes from all of the evidence that Mr. Herold is not a part-time employee but a full-time, seasonal employee. A part-time worker is one who has been in the employ of an employing unit and established a pattern of part-time regular employment. See 871 IAC 24.22(2)f. As is the case in most construction and construction-related jobs, Mr. Herold was expected to work full-time hours during the "season." Given the nature of the business, both parties anticipated that there would be little or no work during the winter months. There may also be times during the season when work is not available due to adverse weather

conditions. Because Mr. Herold did not have a pattern of only working part-time hours for Findley, it is concluded that he was not a part-time employee.

Mr. Herold claimed job insurance benefits because the employer did not have as many hours of work available as it had previously. As such, he was partially unemployed through no fault of his own. Therefore, benefits are allowed.

**DECISION:**

The representative's decision dated September 22, 2009, reference 06, is hereby affirmed. Mr. Herold is allowed job insurance benefits effective August 23, 2009, as he was partially unemployed due to a reduced workweek.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw