

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HESHAM ELHALIS**  
Claimant

**APPEAL NO: 18A-UI-00873-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMEC ENVIRONMENTAL & INFRASTRUCT**  
Employer

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

Section 96.5(1) – Voluntary Leaving  
871 IAC 24.26(19 & 22) – Voluntary Leaving

**STATEMENT OF CASE:**

The claimant filed a timely appeal from the January 10, 2018, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 12, 2018. The claimant participated in the hearing and was represented by Gary Abeska. Scott Keen, Senior 1 Engineer/Mechanical and Jackie Boudreaux, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time Senior 1 Engineer/Electrical for AMEC Environmental & Infrastructure from July 7, 2016 to April 7, 2017. He was hired to work on the Microsoft building program in West Des Moines. The claimant was a quality assurance auditor and insured electronics compliance. The claimant's contract stated the program was expected to last from 18 to 24 months but Microsoft cancelled the program February 24, 2017. The employer offered the claimant a short-term position (4-6 weeks) as an elevator inspector for the United States Postal Service and the claimant accepted that job and worked until the hours were almost exhausted. He attempted to gain other national or international work with the employer but when it became clear there was no further work available, the claimant submitted his two-week resignation notice effective April 14, 2017, rather than face termination. The employer determined there was not enough work for the claimant to work the second week of his notice period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code § 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.

The claimant was hired to oversee the compliance of the electronics on the construction of the Microsoft data center. That job was completed much earlier than anticipated when Microsoft ended the contract. The employer then offered the claimant a short-term assignment at the United States Postal Service and the claimant accepted it in an effort to extend his employment long enough to secure another job with the employer. That job also ended due to a lack of work. While the claimant did submit a two-week notice, he did so in an effort to be professional and to avoid a termination notice due to a lack of work. The employer did not even have enough work for the claimant to work during his two-week notice period. He was able and available to continue working for the employer had the employer had continuing work available. Under these circumstances, the administrative law judge must conclude the claimant's employment ended due to a lack of work. Therefore, benefits are allowed.

**DECISION:**

The January 10, 2018, reference 02, decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn