

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS W MCCOY
Claimant

APPEAL NO. 07A-UI-00411-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CK STUART LLC
COUNTRY KITCHEN**
Employer

**OC: 12/17/06 R: 02
Claimant: Respondent (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Country Kitchen, filed an appeal from a decision dated January 3, 2007, reference 02. The decision allowed benefits to the claimant, Chris McCoy. After due notice was issued, a hearing was held by telephone conference call on January 29, 2007. The claimant participated on his own behalf. The employer participated by Owner Cary Claiborne.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Chris McCoy had been employed with Country Kitchen as a cook. He left this job in the spring of 2006 in order to accept full time work elsewhere. However, since that time, he is occasionally called to work a few hours here and there as needed. The last day he worked prior to the hearing was December 2, 2006, when he worked five or six hours at the request of the manager and completed the temporary job as required.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant did quit his regular job with this employer in early 2006. A new employment relationship was entered into when he agreed to work from time to time as needed. These are spot jobs, all of which he has completed as agreed upon. Under the provisions of the above Administrative Code section, there is no disqualifying separation. However, as he is not employed to the same extent as he was during his base period, this employer cannot be relieved of charges.

DECISION:

The representative's decision of January 3, 2007, reference 02, is affirmed. Chris McCoy is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw