

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JENNIFER BACKER**  
Claimant

**ACCESS INCORPORATED**  
Employer

**APPEAL 22A-UI-01232-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/31/21  
Claimant: Respondent (1)**

Iowa Code § Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation in Fact-Finding

**STATEMENT OF THE CASE:**

On December 16, 2021, the employer, Access Incorporated, filed an appeal from the December 7, 2021, (reference 01) unemployment insurance decision that allowed benefits based on a determination that claimant was hired for a specific period of time, and that she had worked until the specific period of time had elapsed fulfilling her obligation. The parties were properly notified about the hearing. A telephone hearing was held on February 4, 2022. Claimant, Jennifer Backer, participated and testified. Employer participated through Ron Schermer, member of the Board of Directors (BOD). The administrative law judge took official notice of the administrative record.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on May 23, 2007. Claimant last worked as the full-time Executive Director. Claimant was separated from employment on November 4, 2021, when the Board of Directors that she reported to declined to renew her employment contract. The claimant worked various positions during her fifteen year tenure. In 2016, 2021, she was retained by the BOD as the executive director working under an annual contract that was reviewed and negotiated each year usually in August. In July 2021, the claimant experienced some significant health issues and took some leave under the Family and Medical Leave Act (FMLA). Also in July 2021, the Board of Directors elected some new members who replaced outgoing members. The BOD determined at some point in the late summer and early fall of 2021 that there were not going to renew the claimant's annual contract and terminate her employment.

Additionally one of the incoming new board members replaced the claimant as Executive Director shortly after her contract was not renewed.

**REASONING AND CONCLUSIONS OF LAW:**

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:

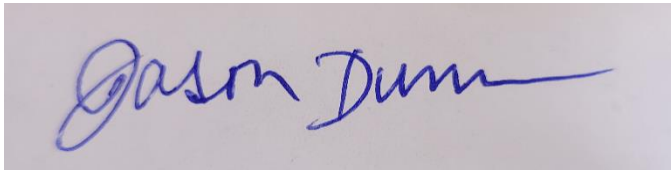
(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits 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.

The employer made the decision to not renew the claimant's annual contract on November 4, 2021. The claimant worked until her contract expired and fulfilled her obligations under that contract. Benefits are allowed.

Since the claimant is eligible for benefits. The issue of overpayment and chargeability are moot.

**DECISION:**

The December 7, 2021, (reference 01) unemployment insurance decision is affirmed. Claimant was separated from employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



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February 25, 2022  
Decision Dated and Mailed

jd/mh