

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDIE M LOURASH
Claimant

ACUTE CARE INC
Employer

APPEAL NO: 13A-UI-08076-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/02/13
Claimant: Respondent (1)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 2, 2013, reference 01, that held the claimant was laid-off on May 31, 2013, and benefits are allowed. A telephone hearing was held on August 26, 2013. The claimant participated. Jeff Oliver, Assistant VP/Corporate Counsel, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

The issue is whether the claimant was discharge for misconduct.

FINDINGS OF FACT:

The administrative law judge having heard witness testimony and having considered the evidence in the record finds: The claimant was hired on June 1, 1998. She worked as a full-time facility re-imbusement specialist at the corporate office in Ankeny.

In May 2012 claimant let the employer know she was planning a move to eastern Iowa. The employer had no business presence in that area. The employer offered claimant a contract to continue work as an independent contractor and claimant accepted. The claimant entered into an agreement with the employer on May 15, 2012 to continue her work from her new residence location for a period of one year that was renewable.

The claimant and employer agree that claimant continued work as contractor (not as an employee) after May 15, 2012. The claimant ended her work with the employer on May 31, 2013 when it eliminated the work position. The department record shows the employer last paid claimant wages for insured work in the second quarter of 2012.

Claimant agreed with the employer that is participated in department fact finding.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the employer dismissed claimant as an employee for no disqualifiable reason effective May 15, 2012. The employer – employee relationship ended on May 15 and the contractor relationship commenced on that date.

Although claimant informed her former employer she was moving, the employment separation occurred at the time the parties entered into a contract that ended the employment relationship. This is an employment separation for no disqualifiable reason. The employer claim liability is limited to the wages it reported for the first and second quarters of 2012.

DECISION:

The department decision dated July 2, 2013, reference 01, is affirmed. The claimant was dismissed for no disqualifiable reason on May 15, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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