

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFANY R TUSLER
Claimant

APPEAL NO. 08A-UI-07815-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF PARKERSBURG
Employer

OC: 05/25/08 R: 03
Claimant: Respondent (1/R)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

City of Parkersburg (employer) appealed a representative's August 21, 2008 decision (reference 02) that concluded Tiffany R. Tusler (claimant) was qualified to receive benefits because her employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 15, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Martin Petersen, Attorney at Law, represented the employer. The employer requested the testimony presented for appeal 08A-UI-07814-DWT, be used because the two cases were identical. This request was granted. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

As the result of the destruction caused by an F-5 tornado on May 25, 2008, FEMA required the employer to hire employees to monitor trucks that removed debris from the city. The employer hired the claimant to work as a part-time monitor. The employer informed the claimant the job would not exceed 90 days and could be less because when there were no more trucks to monitor, his job would end. The claimant agreed to the employment terms and began working in June 2008.

There was no more work for the claimant to do after July 29, 2008. The employer then ended the claimant's part-time employment. The claimant had established a claim for unemployment insurance benefits during the week of May 25, 2008. She reopened her claim the week of August 3, 2008.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant's employment ended because there were no more trucks for her to monitor after July 29, 2008. The claimant completed the job the employer hired her to do. The claimant did not quit and the employer did not discharge her for work-connected misconduct. Therefore, the reasons for the claimant's employment separation do not disqualify her from receiving benefits. As of August 3, 2008, the claimant is qualified to receive benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

During the hearing, the employer raised the issue of whether the claimant is able to and available for work while she attends school full-time. This issue is remanded to the Claims Section to investigate and make a written decision.

DECISION:

The representative's August 21, 2008 decision (reference 02) is affirmed. Since the claimant's job ended when there was no more work for her to do, the reasons for her employment separation do not disqualify her from receiving benefits. As of August 3, 2008, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged. The issue of whether the claimant is able to and available for work while she attends school is remanded to the Claims Section to investigate and make a written decision.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css