

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEANNETTE HEUER
Claimant

APPEAL NO: 13A-UI-13222-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPS GRAPHICS INC
Employer

OC: 11/03/13
Claimant: Respondent (1)

Iowa Code Section 96.5(1) – Voluntary Leaving
871 IAC 24.26(22) – Voluntary Leaving

STATEMENT OF CASE:

The employer filed a timely appeal from the November 27, 2013, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 19, 2013. The claimant participated in the hearing with her brother/former co-owner/witness Mitch Eaton. Jim Eaton, Owner (no relation to Mitch Eaton); Pat Rhoades, Owner; and Angela Wieck, Third Party Administrator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time consultant for Best Impressions, Inc. (formerly known as TPS Graphics Inc.). She was the co-owner of TPS Graphics until the business was sold to Jim Eaton and Pat Rhoades in May 2013, and became Best Impressions, Inc. The claimant was asked to stay on by Mr. Eaton, beginning July 1, 2013, to help with process work and bringing the two companies together as one. The assignment ended upon mutual agreement August 12, 2013, when the parties agreed the work was completed.

REASONING AND CONCLUSIONS OF LAW:

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

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, a previous co-owner of the business, was hired as a part-time consultant for the new owners, after the sale was completed. She helped meld the two companies together and make the transition smooth. She worked until both parties felt she had completed that task. Inasmuch as the claimant completed the figurative contract of hire with the employer, and there is no misconduct alleged by the employer, benefits are allowed.

DECISION:

The November 27, 2013, reference 01, decision is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs