

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JESSICA GARNICA  
1622 W 4<sup>TH</sup> ST  
DAVENPORT IA 52802**

**DAVENPORT COMMUNITY  
SCHOOL DISTRICT  
ATTN SUSAN K HERZMANN  
1606 BRADY ST  
DAVENPORT IA 52803**

**Appeal Number: 04A-UI-08167-HT  
OC: 04/04/04 R: 02  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The employer, Davenport Community School District (Davenport), filed an appeal from a decision dated July 19, 2004, reference 02. The decision allowed benefits to the claimant, Jessica Garnica. After due notice was issued a hearing was held by telephone conference call on August 19, 2004. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Director of Human Resources Services Rita Watts.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Jessica Garnica was employed by Davenport from November 24, 2003 until May 30, 2004. She was a part-time tutor in an after-school program. At the time she was hired, the claimant was notified the contract would last only through the end of the school year and she worked through that time as agreed. The employer has not offered her a contract for the 2004-2005 school year.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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 was hired to work through the end of the 2003-2004 school year and she completed the contract of hire as agreed. Under the provisions of the above Administrative Code Section, this is not a disqualifying separation.

DECISION:

The representative's decision of July 19, 2004, reference 02, is affirmed. Jessica Garnica is qualified for benefits, provided she is otherwise eligible.

bgh/tjc