

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES R FROST
Claimant

APPEAL NO: 12A-UI-00100-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AREA EDUCATION AGENCY 267
Employer

OC: 11/27/11
Claimant: Respondent (1)

871 IAC 24.26(22) – Temporary Employment

STATEMENT OF THE CASE:

Area Education Agency 267 (employer) appealed a representative's December 28, 2011 decision (reference 01) that concluded Charles R. Frost (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 1, 2012. The claimant participated in the hearing. Betty Beauregard appeared on the employer's behalf. Based on the evidence, the arguments of the parties, a review of the law, and assessing the credibility of the witnesses and reliability of the evidence in conjunction with the applicable burden of proof, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on December 1, 2009. He worked part time as a substitute kitchen assistant. He worked from 7:00 a.m. for about six hours a day, Monday through Thursday, at the employer's Cedar Falls school. His last day of work was the last day of the school year in the spring of 2010.

The claimant was not on the employer's substitute employee list. He had been brought in by one of the employer's manager's specifically to fill a temporary vacancy in that school's kitchen program. It was known when the claimant began the work that the work would be completed when the school year ended. There was no arrangement with the claimant that he could expect to be recalled for additional work after the completion of the work in the spring of 2010.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if he quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct.

Where a claimant is hired for a specific project and completes the contract of hire by working until this specific project is completed and the agreed upon period of time has lapsed, the separation is treated as a voluntary quit with good cause attributable to the employer, and does not result in a disqualification to the claimant. 871 IAC 24.26(22).

Here, the employer did hire the claimant on a temporary basis for a specific project for a specific period of time. The claimant completed the contract of hire by working until that project and that time had elapsed. He did not have reasonable assurance of continued employment after the project was completed. Eligibility for unemployment insurance benefits is not conditioned on whether the employment was permanent or temporary, or whether the claimant as a temporary employee was eligible for employment benefits otherwise provided by the employer to its permanent employees. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's December 28, 2011 decision (reference 01) is affirmed. The claimant's separation was not a voluntary quit but was the completion of a temporary contract of hire. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css