

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A PARKER
Claimant

APPEAL NO. 07A-UI-08113-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ACTIVE HEALTH CHIROPRACTIC
CLINIC PC**
Employer

OC: 07/08/07 R: 04
Claimant: Respondent (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Active Health Chiropractic Clinic PC (Active), filed an appeal from a decision dated August 15, 2007, reference 01. The decision allowed benefits to the claimant, Patricia Parker. After due notice was issued, a hearing was held by telephone conference call on September 10, 2007. The claimant participated on her own behalf. The employer participated by Dr. Dana Mace. Exhibits One and A were admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Patricia Parker was employed by Active from February 1 until June 20, 2007, as a full-time office manager. The claimant was the mother of the previous owner of the practice and in the negotiation with the previous owner, Dr. Parker, it was agreed that both she and the claimant would remain as employees on a temporary basis until the transition was complete. Ms. Parker was to train her replacement when that person was hired.

Dr. Parker left earlier than agreed upon but the claimant remained. In early May 2007, Dr. Mace, the new owner, hired a replacement for the office manager position and Ms. Parker trained this person. It was agreed June 20, 2007, would be the claimant's last day of employment and she worked until that day.

REASONING AND CONCLUSIONS OF LAW:

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.

Ms. Parker was hired to work only until the transition between the previous and new owner was complete and she had trained her replacement. The claimant completed the contract of hire as agreed. Under the provisions of the above Administrative Code section, this not a disqualifying separation and benefits are allowed.

DECISION:

The representative's decision of August 15, 2007, reference 01, is affirmed. Patricia Parker is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css