

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLOTTE F DANTUONO

Claimant

APPEAL NO. 10A-UI-15771-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

PERFECTLY FIT FIGURE SALONS LLC

Employer

OC: 09/05/10

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated November 4, 2010, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 28, 2010. The claimant participated. The employer participated by Peggy Rohde, president. The record consists of the testimony of Peggy Rohde and the testimony of Charlotte Dantuono.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a low impact exercise facility. The president, Peggy Rohde, required knee surgery. She would be unable to work her regular hours during her recuperation. The claimant was hired as a temporary replacement for Ms. Rohde. The claimant's first day of work was April 2, 2010. Ms. Rohde was able to return to work by August 5, 2010. The claimant's last day of work was August 5, 2010.

REASONING AND CONCLUSIONS OF LAW:

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 evidence in this case established that the claimant was hired for a specific period of time and that she completed her contract of hire. The claimant worked as Ms. Rohde's replacement while Ms. Rohde was recuperating from knee surgery. The parties agreed at the time of hire that the claimant's employment would end when Ms. Rohde was able to return to work. The claimant worked until August 5, 2010, which is when Ms. Rohde could resume her hours. Under these circumstances, the claimant is considered to have voluntarily quit with good cause attributable to the employer. Benefits are allowed if the claimant is otherwise eligible.

DECISION:

The representative's decision dated November 4, 2010, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw