

**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**

**TAMMY T SMITH  
146 HOPE  
WATERLOO IA 50702**

**TYSON FRESH MEATS INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-03115-CT  
OC: 01/25/04 R: 03  
Claimant: Appellant (2)**

**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 871IAC24.26(22) – Contract for Term

STATEMENT OF THE CASE:

Tammy Smith filed an appeal from a representative's decision dated March 9, 2004, reference 02, which denied benefits based on her separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on April 13, 2004. Ms. Smith participated personally. The employer's designated witness was not available at the scheduled time of the hearing. The line to the employer's place of business was left open during the entire hearing but no one came on the line to participate on behalf of the employer. The start of the hearing was delayed because the prior hearing ran over. The employer did not indicate that no one was available because of the delay in the starting time.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Smith was hired in May of 2003 to work for Tyson only during the summer while she was off from college. There were from six to seven other individuals who were hired to work during their summer break from school. Ms. Smith became separated on August 17, 2003 when it was time to return to school.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Smith was separated from employment for any disqualifying reason. She was hired to work for a specific period of time, the summer break, and worked until it was time to return to school. An individual is eligible to receive job insurance benefits if she was hired for a specific period of time and worked until that time has elapsed. See 871 IAC 24.26(22). Accordingly, Ms. Smith is entitled to job insurance benefits.

DECISION:

The representative's decision dated March 9, 2004, reference 02, is hereby reversed. Ms. Smith was separated from Tyson for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf