

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THERESA J SEEBERGER
Claimant

APPEAL NO: 18A-UI-07108-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA DEPT OF JUDICIAL ADMINISTRATION
Employer

OC: 05/27/18
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(22) – Voluntary Quitting – Specific Period of Time
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the June 21, 2018, (reference 01) unemployment insurance decision that allowed benefits based upon the claimant's 2017 separation with this employer. (The initial decision incorrectly stated the separation year as 2018.) The parties were properly notified about the hearing. A telephone hearing was held on July 19, 2018. The claimant participated personally. The employer participated through Judy Berry, hearing representative with Employer's Edge, LLC. Kathy Gaylord, district court administrator, and Marlita Greve, chief judge for the 7th district, both testified on behalf of the employer.

Employer Exhibits 1-3 were admitted over objection. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant separated from employment for a reason that disqualifies her from receiving unemployment insurance benefits?
Has the claimant been overpaid any unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can any charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a magistrate and was separated from employment on July 31, 2017.

The claimant's employment began in 2009, when she was appointed to serve a four year term as a magistrate. She was reappointed after her first term, and served a second term which

ended July 31, 2017. The claimant was hired for a specific period of time and completed the work assignment. The claimant applied and interviewed for a third term, but was not reappointed (Employer Exhibit 2, 3).

The administrative record reflects that claimant has received unemployment benefits in the amount of \$3,640.00, since filing a claim with an effective date of May 27, 2018. The administrative record also establishes that the employer did participate in the June 20, 2018 fact-finding interview or make a witness with direct knowledge available for rebuttal. Kathy Gaylord, district court administrator, participated.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not the result of a disqualifying reason. Benefits are allowed.

An unemployed person who meets the basic eligibility criteria receives benefits unless they are disqualified for some reason. Iowa Code § 96.4. Generally, disqualification from benefits is based on three provisions of the unemployment insurance law that disqualify claimants until they have been reemployed and they have been reemployed and have been paid wages for insured work equal to ten times their weekly benefit amount. An individual is subject to such a disqualification if the individual (1) "has left work voluntarily without good cause attributable to the individual's employer" Iowa Code § 96.5(1) or (2) is discharged for work –connected misconduct, Iowa Code § 96.5(2) a, or (3) fails to accept suitable work without good cause, Iowa Code § 96.5(3).

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(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.

In this case, the claimant accepted the magistrate appointment, and worked until the position came to an end on July 31, 2017, when the contract had been fulfilled and the employment came to an end by the terms of the original agreement of hire. There was no more work for the claimant. Inasmuch as the claimant completed the contract or terms of hire with the employer as contemplated, no disqualification is imposed. Benefits are allowed, provided she is otherwise eligible.

Because the claimant is eligible for benefits, the issues of overpayment and relief of charges are moot.

DECISION:

The June 21, 2018, (reference 01) decision is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. The claimant has not been overpaid benefits. The employer's account is not relieved of potential charges.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn