

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PERRY LILLEY
Claimant

APPEAL NO. 17A-UI-02364-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHILDSERVE COMMUNITY OPTIONS INC
Employer

OC: 01/29/17
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit
871 IAC 24.26(22) – Voluntary Leaving
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

ChildServe Community Options (employer) appealed a representative's February 20, 2017, decision (reference 01) that concluded Perry Lilley (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 27, 2017. The claimant participated personally. The employer participated by Katelin Larson, Staff Relations Specialist, and Erin Marcel, Respite Service Supervisor. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 14, 2016, as a part-time respite service assistant for one particular family. On January 30, 2017, the employer called the claimant and told him that his services were no longer needed. The family had moved out of town with the child and did not use the employer's services. The claimant completed the work he was hired to perform.

The claimant filed for unemployment insurance benefits with an effective date of January 29, 2017. The employer participated personally at the fact-finding interview on February 16, 2017, by Katelin Larson and Erin Marcel.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes benefits are allowed, provided claimant is otherwise eligible.

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.

If an employee is employed for a specific time and works for that time, the employee's leaving is with good cause attributable to the employer. The claimant was hired for as long as a particular family needed help. The claimant worked for that time period. Inasmuch as the claimant completed the contract of hire with the employer, no disqualification is imposed for his leaving.

DECISION:

The representative's February 20, 2017, decision (reference 01) is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs