

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY J REDD**  
Claimant

**APPEAL NO. 09A-UI-19300-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**O'REILLY AUTOMOTIVE INC**  
**O'REILLY AUTO PARTS**  
Employer

**OC: 12/24/06**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(22) – Completion of Specific Period of Employment

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated December 17, 2009, reference 02, which denied benefits based upon his separation from O'Reilly Auto Parts. After due notice, a telephone conference hearing was scheduled for and held on February 3, 2010. The claimant participated personally. The employer participated by Mr. Art McGinnis, Store Manager.

**ISSUE:**

At issue is whether the claimant was hired for a specific period of time and completed the contract of hire.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Timothy Redd accepted employment as a temporary driving specialist for O'Reilly Auto Parts for the period of time between July 20, 2009 and August 28, 2009. Mr. Redd's employment came to an end per the agreement between the parties on August 28, 2009 when he completed the contract of hire by working until the specific period of time had elapsed.

The claimant was offered employment for this specific period of time as the employer needed a replacement driver for that period of time and Mr. Redd was available to work that specified period of time before returning to school in the fall.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that the claimant left employment with good cause attributable to the employer.

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.

The evidence in the record establishes that Mr. Redd was hired for a specific period of time by O'Reilly Auto Parts as a temporary summer driver and completed the contract of hire by working until the specific period had elapsed. The claimant's separation from employment was with good cause attributable to the employer. Benefits are allowed providing the claimant is otherwise eligible.

**DECISION:**

The representative's decision dated December 17, 2009, reference 02, is reversed. The claimant's separation from employment was for reasons attributable to the employer. Benefits are allowed, providing the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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