AARON D WILHELM
Claimant

INDUSTRIAL STEEL ERECTORS INC
Employer

APPEAL 16A-UI-06675-DB-T

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

OC: 01/24/16
Claimant: Appellee (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(22) – Voluntary Quitting – Specific Period of Time
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the June 10, 2016 (reference 01) unemployment insurance decision that disallowed benefits to the claimant based upon him voluntarily quitting without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on July 1, 2016. The claimant, Aaron D. Wilhelm, did not participate. The employer, Industrial Steel Erectors, Inc., participated through Controller Michael Bollaert.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?

Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired for a spot job or casual labor on April 14, 2016 to complete iron work. Claimant worked eight hours on April 14, 2016. The employer had no further work available for him and claimant completed his assigned work.

The claimant was hired by for a specific period of time, one day on April 14, 2016, and he completed the work assignment. This specific period of time was agreed to by the parties.

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.

Iowa Code § 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.

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.

Iowa Admin. Code r. 871-24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

Inasmuch as the claimant completed the contract or terms of hire with the employer as contemplated, no disqualification is imposed. There was no further work available to claimant and he was laid off of work. Benefits are allowed, provided claimant is otherwise eligible.

AMENDED DECISION:

The June 10, 2016 (reference 01) unemployment insurance decision is reversed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

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Dawn Boucher
Administrative Law Judge

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Decision Dated and Mailed

db/can