Appeal Number: **06A-UI-04907-CT**
OC: 04/09/06   R: 03
Claimant: Respondent (1)

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, 4th Floor—Lucas Building, Des Moines, Iowa 50319***.

LAKANE A SMITH
5160 – 16TH AVE SW #5
CEDAR RAPIDS IA 52404-6707

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.

BROWN INC – BALI HAI
1405 ROBINS RD
HIAWATHA IA 52233

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.

_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

871 IAC 24.26(22) – Employment for Specific Term

STATEMENT OF THE CASE:

Brown, Inc. filed an appeal from a representative's decision dated April 28, 2006, reference 04, which held that no disqualification would be imposed regarding Lakane Smith's separation from employment. After due notice was issued, a hearing was held by telephone on May 22, 2006. The employer participated by Linda Morris, Manager. Ms. Smith did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Smith was employed by Brown, Inc. from August 25 until September 8, 2005, as a swimming pool supervisor. The employer's former

pool supervisors had returned to school but the pool was still open. Ms. Smith, who resides in the mobile home park where the pool is located, offered to work for the employer for the two weeks until the pool closed. She was hired and worked until the pool closed.

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, two weeks, and worked until that period of time had elapsed. Pursuant to 871 IAC 24.26(22), she is entitled to job insurance benefits. The rule presupposes that both parties are fully aware that the employment is for a limited period of time. The fact that the job was temporary and known by Ms. Smith to be temporary at the time of acceptance does not relieve the employer from its pro rata share of liability for benefits paid to Ms. Smith. The fact that the job was of short duration does not relieve the employer of liability.

The administrative law judge notes that a claimant does not file a claim for benefits against a particular employer. Once a claim is filed, Workforce Development determines who the base period employers are that will be potentially liable for the payment of benefits. Base period chargeable employers are determined by law and not by designation of a claimant.

DECISION:

The representative's decision dated April 28, 2006, reference 04, is hereby affirmed. Ms. Smith was separated from Brown, Inc. for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility. Brown, Inc. remains liable for its pro rata share of benefits paid to Ms. Smith.

cfc/kkf