

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LANCE R REICHERT
Claimant

APPEAL NO. 08A-UI-00016-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

**OC: 08/19/07 R: 03
Claimant: Respondent (1)**

871 IAC 24.26(22) – Temporary Employment

STATEMENT OF THE CASE:

Aerotek, Inc. (employer) appealed a representative's December 21, 2007 decision (reference 03) that concluded Lance R. Reichert (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 16, 2008. The claimant participated in the hearing. Michelle Swigart appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant's first and only assignment to date with the employer began on September 19, 2007. His last day on the assignment was November 9, 2007. The assignment ended because the work was completed. When the claimant was hired for the assignment he was advised by the employer's representative that it would be for approximately a two-month contract on a specific project. The claimant attempted to learn through the employer what the final end date of the work would be, but he was unable to get that information from the employer. The business client subsequently advised him that it deemed the claimant's contract work completed as of November 9, 2007.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if he quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct.

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 employer hired the claimant on a temporary basis for a specific period of time on a specific project. The claimant completed the contract of hire by working until that time had elapsed and the client was satisfied that he had completed the work needed. Eligibility for unemployment insurance benefits is not conditioned on whether the employment was permanent or temporary, or whether the claimant as a temporary employee was eligible for employment benefits otherwise provided by the employer to its permanent employees. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's December 21, 2007 decision (reference 03) is affirmed. The claimant's separation was not a voluntary quit or a discharge but was the completion of a temporary contract of hire. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css