

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BROCK A VEATCH**  
Claimant

**WEST DES MOINES COMMUNITY SCH DIS**  
Employer

**APPEAL 21A-UI-06282-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/08/20**  
**Claimant: Respondent (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.26(22) – Voluntary Quitting – Specific Period of Time  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

The employer/appellant filed an appeal from the February 22, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 6, 2021. The claimant did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The employer participated through Sandy Donielson.

The administrative law judge took official notice of the administrative records. Employer Exhibit 1 was admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the claimant separated from employment for a reason that disqualifies him from receiving unemployment insurance benefits?  
Has the claimant been overpaid any unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can any charges to the employer’s account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a childcare provider beginning December 7, 2017 and was separated from employment on May 19, 2019 when the school year ended. The claimant was hired for a specific period of time and completed the work assignment. Continuing work was not available for that assignment.

(Claimant did provide subsequent work for the employer during the 2020 school year, and as a substitute childcare provider when he was home from college over breaks.) Claimant has requalified (by earning ten times his weekly benefit amount) since his May 2019 separation.

The administrative record reflects that claimant has received unemployment benefits in the amount of \$1,014.00, since filing a claim with an effective date of March 8, 2020. The administrative record also establishes that the employer did participate in the fact-finding interview or make a witness with direct knowledge available for rebuttal. Sandy Donielson participated.

#### **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. Benefits are allowed.

An unemployed person who meets the basic eligibility criteria receives benefits unless they are disqualified for some reason. Iowa Code § 96.4. Generally, disqualification from benefits is based on three provisions of the unemployment insurance law that disqualify claimants until they have been reemployed and they have been reemployed and have been paid wages for insured work equal to ten times their weekly benefit amount. An individual is subject to such a disqualification if the individual (1) "has left work voluntarily without good cause attributable to the individual's employer" Iowa Code § 96.5(1) or (2) is discharged for work –connected misconduct, Iowa Code § 96.5(2) a, or (3) fails to accept suitable work without good cause, Iowa Code § 96.5(3).

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In this case, the claimant accepted the part-time childcare worker for the school year, and worked until the position came to an end on May 19, 2019, when the contract had been fulfilled and the employment came to an end by the terms of the original agreement of hire. There was no more work for the claimant. Inasmuch as the claimant completed the contract or terms of hire with the employer as contemplated, no disqualification is imposed. Benefits are allowed, provided he is otherwise eligible.

Because the claimant is eligible for benefits, the issues of overpayment and relief of charges are moot.

**DECISION:**

The February 22, 2021 (reference 01) initial decision is AFFIRMED. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible. He is not overpaid benefits. The employer's account may be charged with the claim for regular unemployment insurance benefits.



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May 21, 2021  
Decision Dated and Mailed

jlb/scn