IOWA WORKFORCE DEVELOPMENT
**Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319**
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

Appeal Number: 04A-UI-08403-HT
OC: 07/18/04   R: 04
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***.

**LINDA K POLLENTIER
2229 HICKORY GROVE RD
DAVENPORT IA   52804**

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.

**UNITED NEIGHBORS INC
808 HARRISON ST
DAVENPORT IA   52803**

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)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The employer, United Neighbors, filed an appeal from a decision dated July 30, 2004, reference 01. The decision allowed benefits to the claimant, Linda Pollentier. After due notice was issued, a hearing was held by telephone conference call on August 25, 2004. The claimant participated on her own behalf. The employer participated by Summer Park Coordinator Bonnie Beechum and Director Ida Johnson.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Linda Pollentier was employed by United Neighbors

from June 14 through July 22, 2004. She was hired as a full-time bus driver for the six-week park program. At the time of hire, the employer notified the claimant the employment would be for only six weeks and the claimant worked throughout the entire period as agreed.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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.

Ms. Pollentier was hired for a specific period of time and worked throughout that period as agreed. Under the provisions of the above Administrative Code Section, this is not a disqualifying separation.

DECISION:

The representative's decision of July 30, 2004, reference 01, is affirmed. Linda Pollentier is qualified for benefits, provided she is otherwise eligible.

bgh/tjc