

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MING LIN
Claimant

APPEAL NO. 10A-UI-08020-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA STATE UNIVERSITY
Employer

**Original Claim: 05/02/10
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving
871 IAC 24.26(22) – Voluntary Leaving

STATEMENT OF THE CASE:

Ming Lin (claimant) appealed a representative's May 27, 2010 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Iowa State University (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 20, 2010. The claimant participated personally. The employer provided a telephone number but could not be reached at the time of the hearing. The telephone rang repeatedly without benefit of an answering machine.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on August 1, 1999, by the employer. He held numerous positions. At the end of his employment, he was working as a full-time post doctoral researcher. He signed a letter of intent on February 2, 2010. The length of appointment was from February 1 through April 30, 2010. There was no work available for the claimant after April 30, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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.

Inasmuch as the claimant completed the contract of hire with the employer, no disqualification is imposed.

DECISION:

The representative's May 27, 2010 decision (reference 01) is reversed. The claimant completed the contract for hire and is eligible to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw