

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIRANDA S EICHENBERGER
Claimant

APPEAL NO. 09A-UI-10242-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAWKEYE COMMUNITY COLLEGE
Employer

**Original Claim: 05/24/09
Claimant: Respondent (1-R)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Hawkeye Community College (HCC), filed an appeal from a decision dated July 8, 2009, reference 02. The decision allowed benefits to the claimant, Miranda Eichenberger. After due notice was issued, a hearing was held by telephone conference call on August 4, 2009. The claimant participated on her own behalf. The employer participated by Associate Director of Human Resources Latonya Price.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Miranda Eichenberger was employed by HCC from February 4 until May 13, 2008, as a part-time intern in the public relations/marketing area. It was agreed from the start that the period of employment was for a specific period of time, and Ms. Eichenberger fulfilled the requirements of the job and worked until the designated period had ended.

The issue of whether the wages earned by the claimant may be considered for purposes of unemployment benefits has not been determined.

REASONING AND CONCLUSIONS OF LAW:

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(19) 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:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. 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 employee shall be considered to have voluntarily quit employment.

The claimant is not disqualified as a result of her separation from this employment. The agreement was for her to work for a specific period of time, which she did.

The wages she earned from this employment may or may not be able to be drawn upon for purposes of unemployment benefits and that issue should be remanded for determination.

DECISION:

The representative's decision of July 8, 2009, reference 02, is affirmed. Miranda Eichenberger is qualified for benefits, provided she is otherwise eligible.

The issue of whether Ms. Eichenberger may draw upon these wages for unemployment benefits is remanded to the UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw