

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARRY D DAVIS**  
Claimant

**APPEAL NO: 11A-UI-14240-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RJ ELLIOTT INC**  
Employer

**OC: 10/02/11**  
**Claimant: Respondent (5)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(22) – Job Completion

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated October 26, 2011, reference 01, that held the claimant was still employed but on a short-term layoff beginning October 2, 2011, and which allowed benefits. A telephone hearing was held on November 29, 2011. The claimant did not participate. Diane Elliot, co-owner, consulting director, participated for the employer.

**ISSUE:**

The issue is whether the claimant is on a short-term layoff.

**FINDINGS OF FACT:**

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds: The claimant has worked a pattern of employment beginning November 2, 2006, where he works as a part-time driver during the Christmas season. His regular employer is Dallas County (er#103992-025). He last worked for the employer during the 2010 season, and he was paid gross wages of \$2,400 for the fourth quarter of that year.

When claimant contacted the employer about work this year, he was told he wasn't needed. The employer did direct claimant to another contract carrier for driver work.

Claimant failed to respond to the hearing notice.

**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(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 administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer on or about December 31, 2010, when he successfully completed his contract for hire, his seasonal job assignment.

The claimant was a part-time seasonal worker who worked a pattern of employment from early November thru the Christmas season with the employer while retaining his regular job with Dallas County. He completed his last seasonal work for the employer in late December 2010. When he returned to the employer in November of this year, it did not need him. In effect, each seasonal job establishes a new employment relationship for the year in which work is offered and performed.

**DECISION:**

The department decision dated October 26, 2011, reference 01, is modified with no effect as to claimant's eligibility for benefits. The claimant voluntarily quit with good cause attributable to the employer on December 31, 2010, when he completed his seasonal, part-time job. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw