

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENJAMIN JONKMAN
Claimant

APPEAL NO: 13A-UI-05920-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA STATE UNIVERSITY
Employer

OC: 10/28/12
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(22) – Temporary Employment

STATEMENT OF THE CASE:

The employer appealed a department decision dated May 9, 2013, reference 04, that held the claimant was laid-off not subject to recall on April 12, 2013, and benefits are allowed. A hearing was held on June 25, 2013. The claimant participated. Tasha Barton, HR Consultant, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant worked for the employer as a temporary laboratory assistant from November 30, 2011 to April 12, 2013. Claimant worked a pattern of employment where he would work a temp employment position of not more than 780 hours during a fiscal year that began in late November and end in April of the following year.

Claimant reached his 780-hour limit on April 12, 2013 that ended his job for the fiscal year. Claimant was not eligible for re-hire until after July 1. Claimant told his supervisor he would not be returning in November as he and his wife are planning to move.

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 claimant voluntarily quit employment with good cause attributable to the employer on April 12, 2013 when he completed his temporary job and elected not to consider re-hire in November.

Reasonable assurance does not apply in this matter as the period of claimant's employment is not based on work from one academic term to the next. He worked a 780-hour maximum contract temporary job from November to April. When he reached the 780-hour limit he was done and not eligible for re-hire until the next fiscal year (not next academic term).

DECISION:

The department decision dated May 9, 2013, reference 04, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on April 12, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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