

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BILLIE G NOAH
Claimant

DANDYLAND FARMS
Employer

APPEAL 15A-UI-02145-KCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/25/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(19) – Voluntary Quitting – Spot Jobs/Casual Labor
Iowa Admin. Code r. 871-24.26(22) – Voluntary Quitting – Specific Period of Time

STATEMENT OF THE CASE:

The employer filed an appeal from the February 9, 2015 (reference 01) unemployment insurance decision that awarded benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 18, 2015. The claimant registered but did not participate in the hearing. The employer participated through Wendy Wood, secretary for the employer. After the hearing was concluded, the claimant contacted the Iowa Workforce Employment Appeals Bureau and indicated that he was renewing his driver's license at the time the hearing was scheduled and lost track of time. The administrative law judge finds no good cause to reopen the record based on the claimant's reported failure to be available at the phone number he provided at registration.

ISSUE:

Was the claimant's separation due to a disqualifying reason?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a seasonal grain hauler. He worked part-time and had some full-time weeks of employment. The claimant was hired for a spot job or casual labor in October 2014 and completed the work assignment, which was through harvest. He was separated from employment on November 30, 2014, at the end of the harvest.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not the result of a disqualifying reason.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(19) and (22) provide:

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.

(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 § 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 as contemplated, no disqualification is imposed.

DECISION:

The February 9, 2015 (reference 01) decision is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

The employer's account is not presently chargeable for benefits paid to the claimant, since it is not a base-period employer on the claim. If the employer becomes a base-period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

Kristin A. Collinson
Administrative Law Judge

Decision Dated and Mailed

kac/can