

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY D TROWBRIDGE**  
Claimant

**APPEAL NO. 10A-UI-02787-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAREWAY STORES INC**  
Employer

**OC: 01/03/10  
Claimant: Respondent (1R)**

871 IAC 24.26(19) - Nondisqualifying Temporary Assignment

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated February 10, 2010, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 31, 2010. Claimant participated. Employer participated by Garrett Piklapp, General Counsel. The record consists of the testimony of Garrett Piklapp; the testimony of Kimberly Trowbridge; and employer's exhibits 1-2.

**ISSUE:**

Whether the claimant's separation from the employer on December 31, 2009 was for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer owns and operates a chain of retail grocery stores with a corporate headquarters in Boone, Iowa. The claimant was hired on a temporary basis on May 4, 2009, to work on the employer's transportation system. She completed her contract on December 31, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The evidence in this case established that the employer hired the claimant on a temporary basis from May 4, 2009 through December 31, 2009. The employer agrees that the claimant completed her temporary contract and she was not terminated for any disqualifying reason.

The reason for the employer's appeal concerns the claimant's receipt of \$4,000.00 at the end of her temporary employment. This sum was paid by the employer. The employer contends that this sum represents severance pay and that the claimant has therefore been overpaid

unemployment insurance benefits. This precise issue was not listed on the hearing notice and the claimant did not know this issue would come up at the hearing.

This matter will be remanded to the Claims Section to determine whether the claimant received severance pay or a bonus and whether receipt of that sum causes an overpayment of benefits to the claimant.

**DECISION:**

The decision of the representative dated February 10, 2010, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. This matter is remanded to the Claims Section for determination of the severance pay/bonus issue.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/css