

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL J BAAK
Claimant

APPEAL NO. 07A-UI-10461-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PAGE COUNTY AUDITOR
PAGE COUNTY COURT HOUSE**
Employer

**OC: 04-22-07 R: 01
Claimant: Respondent (1)**

871 IAC 24.26(19) – Seasonal Employment

STATEMENT OF THE CASE:

Page County filed a timely appeal from unemployment insurance decision dated November 6, 2007, reference 02, that allowed benefits to Paul J. Baak upon a finding that he had been employed on a temporary basis and worked until the completion of the job on October 5, 2007. After due notice was issued, an informal hearing was held on November 29, 2007 involving Mr. Baak and County Attorney Carl Sonksen.

ISSUE:

Did the claimant leave work voluntarily on October 5, 2007?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Paul J. Baak was a seasonal employee of the Page County Conservation Department. He was terminated on October 5, 2007 when the conservation department determined that the parks no longer needed mowing.

Mr. Baak established an additional claim effective October 7, 2007 and requested benefits for the four weeks ending November 3, 2007. He returned to employment on or about November 5, 2007 and has not requested benefits since that time.

Mr. Baak filed his original claim effective November 22, 2007. His benefits are based upon all wages from all employers paid to him during calendar year 2006. Page County did not pay wages to Mr. Baak during that time.

REASONING AND CONCLUSIONS OF LAW:

The principal question is whether Mr. Baak's separation from employment on October 5, 2007 was a disqualifying event. It was not. A provision of the Iowa Administrative Code found at 871 IAC 24.26(19) provides that temporary or seasonal employees fulfill their agreements with their employers by working until the date or event selected by the employer has arrived.

Disqualification is not appropriate because it is the employer, not the claimant, that has determined when the employment must come to an end. No disqualification may be imposed.

The employer also raised the issue of Mr. Baak's return to employment. The evidence establishes that Mr. Baak returned to employment on November 5, 2007. He has not requested benefits since returning to employment.

Finally, the evidence establishes that Page County paid no wages to Mr. Baak during the base period upon which his current benefits are computed. It shall not be charged for benefits as a result. The employer should note, however, that Mr. Baak's present benefit year expires in April 2007. Should he again become unemployed and open a new benefit year in 2008, the wages paid to him by Page County in 2007 would be considered in computing unemployment insurance benefits. The employer may be charged with benefits in that event.

DECISION:

The unemployment insurance decision dated November 6, 2007, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, providing he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs