

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE N BROOKS
Claimant

APPEAL NO: 14A-UI-11549-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

J & A PRINTING INC
Employer

OC: 05/04/14
Claimant: Appellant (2)

871 IAC 24.26(22) – Temporary Employment
Section 96.7-2-a(2) – Charges Against Employer’s Account

STATEMENT OF THE CASE:

Nichole N. Brooks (claimant) appealed a representative’s October 31, 2014 (reference 03) decision that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from J & A Printing, Inc. (employer). After hearing notices were mailed to the parties’ last-known addresses of record, a telephone hearing was held on December 4, 2014. This appeal was consolidated for hearing with related Appeal No. 14A-UI-11549-DT. The claimant participated in the hearing. Jackie Nolan of Employer’s Unity appeared on the employer’s behalf and presented testimony from two witnesses, Julie Rhodes and Luann Lowe. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

Is the employer’s account subject to charge?

FINDINGS OF FACT:

The claimant initially started working for the employer on or about August 18, 2014; for about two weeks she worked on a contract basis. Beginning on or about September 2 she became a payrolled employee, but on a temporary/provisional basis, and worked part time as a machine operator in the mail shop. Her last day of work was on September 24.

The claimant had gotten her work with the employer through her sister who worked for the employer. While the claimant’s official supervisor was Rhodes, the claimant rarely had direct communication with Rhodes, but rather the communication typically came through the claimant’s sister. The claimant understood that she was just working on temporary basis to assist the employer in completing some necessary work.

The claimant called in an absence on September 25. Rhodes then advised the claimant through her sister that she was no longer needed as of September 26. The claimant and her sister both understood that this meant that there was no further need for the claimant to fill in.

The claimant established an unemployment insurance benefit year effective May 4, 2014. She reactivated the claim by filing an additional claim effective September 28, 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if she quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct. Where a claimant is hired for a specific period project and completes the contract of hire by working until this project is completed, the separation is treated as a voluntary quit with good cause attributable to the employer, and does not result in a disqualification to the claimant. Rule 871 IAC 24.26(19).

Here, the employer did hire the claimant on a temporary basis for to assist with a particular need. The claimant completed the contract of hire by working until the employer indicated that she was no longer needed. Eligibility for unemployment insurance benefits is not conditioned on whether the employment was permanent or temporary, or whether the claimant as a temporary employee was eligible for employment benefits otherwise provided by the employer to its permanent employees. Benefits are allowed, if the claimant is otherwise eligible.

The final issue is whether the employer's account is subject to charge. An employer's account is only chargeable if the employer is a base-period employer. Iowa Code § 96.7. The base period is "the period beginning with the first day of the five completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding the date on which the individual filed a valid claim." Iowa Code § 96.19-3. The claimant's base period began January 1, 2013 and ended December 31, 2013. The employer did not employ the claimant during this time and, therefore, the employer is not currently a base-period employer and its account is not currently chargeable for benefits paid to the claimant.

DECISION:

The representative's October 31, 2014 (reference 03) decision is reversed. The claimant's separation was not a voluntary quit but was the completion of a temporary contract of hire. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The employer's account is not subject to charge in the current benefit year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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