

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT A SHOEMAKER
Claimant

APPEAL NO: 12A-UI-06971-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KIRKWOOD COMMUNITY COLLEGE AREA
Employer

**OC: 05/20/12
Claimant: Respondent (1)**

Iowa Code § 96.5(2)a – Nondisqualifying Employment Separation

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's June 11, 2012 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant completed the job he contracted to do for the employer. The claimant participated in the hearing. Sheri Hlavacek, a human resource specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant's August 12, 2011 employment separation does not disqualify him from receiving benefits.

ISSUE:

Did the claimant voluntarily quit his employment without good cause or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in August 2007 as an adjunct instructor. The employer contacted the claimant when the employer needed a teacher for music classes. The claimant most recently worked for the employer as an adjunct instructor May 11 through August 12, 2011. When the claimant completed the class on August 12, the employer did not ask him to teach any classes in the fall of 2011.

After August 2011, the claimant and his wife moved from Cedar Rapids to Omaha. When the employer asked the claimant in October if he was interested in teaching a class during the spring of 2012, he had already moved and told the employer he was not available to teach. After the claimant moved, he lived about 300 miles from the employer.

The claimant established a claim for benefits during the week of May 20, 2012. The employer appealed the June 11 determination because the claimant had declined teaching a spring 2012 course.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The facts establish the claimant completed a teaching assignment on August 12, 2011, and then became unemployed when the employer did not offer him another job for the fall semester of 2011. For unemployment insurance purposes, the reasons for the claimant's August 12, 2011 employment separation do not disqualify him to receive benefits. Therefore, as of August 12, 2011, the claimant is qualified to receive benefits.

The employer appealed because the claimant declined a teaching assignment that would have started the spring semester of 2012. The issue, a refusal of suitable work, was not noted as a hearing issue and has not been addressed by the Claims Section. Therefore, the issue the employer raised in the appeal cannot be addressed in this decision. If the employer wants to pursue the issue of whether the claimant refused an offer of work with or without good because he lived 300 miles from the employer when the employer asked him about a spring 2012 teaching assignment, the employer can pursue this issue by contacting the local Workforce office.

DECISION:

The representative's June 11, 2012 determination (reference 02) is affirmed. The claimant's August 12, 2011 employment separation occurred because he finished teaching a course and the employer did not have a course for him to teach the fall of 2011. The claimant's employment separation occurred for nondisqualifying reasons. As of August 12, 2011, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css