

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHELLE L WOODS
Claimant

AREA EDUCATION AGENCY 267
Employer

APPEAL 17A-UI-06509-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/11/17
Claimant: Respondent (1R)

Iowa Code § 96.5(1) – Voluntary Quitting
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 June 23, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon a separation on July 27, 2016 . The parties were properly notified about the hearing. A telephone hearing was held on July 13, 2017. Claimant did not respond to the hearing notice instruction and did not participate. Employer participated through human resource specialist Robin Billerbeck

ISSUE:

Did the claimant complete the work assignment as contemplated?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired to work as a part-time non-contract seasonal educational assistant for 20 days from June 27 through July 27, 2017. She completed the assignment and reapplies each year. She also has other part-time wages in the base period. The issue of whether claimant is considered partially unemployed has not been determined.

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 section 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(22) provides:

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:

(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 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 employees shall be considered to have voluntarily quit employment.

Inasmuch as the claimant completed the contract or terms of hire with the employer as contemplated, no disqualification is imposed.

DECISION:

The June 23, 2017, (reference 01), unemployment insurance decision is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

REMAND: The issues of whether the claimant is considered partially unemployed or available for work pursuant to Iowa Code section 96.19(38) and Iowa Code section 96.11, and whether the employer is chargeable according to Iowa Code section 96.7(2)a(2), are remanded to the Benefits Bureau of Iowa Workforce Development for fact-finding interview and unemployment insurance decisions.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs

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<http://www.myiowaui.org/UITIPTaxWeb/>.

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<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v= mpCM8FGQoY>