

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN L MENZ
Claimant

APPEAL NO: 10A-UI-12918-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 04/04/10
Claimant: Appellant (2)

871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Brian L. Menz (claimant) appealed a representative's September 14, 2010 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits after an at least temporary separation from employment with Advance Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 2, 2010. The claimant participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. 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.

ISSUE:

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?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began working through the employer with a specific business client on June 20, 2006 based in Jefferson, Iowa.

He routinely worked doing plant and field inspection in the months of June into August each year, and occasionally was recalled for other projects as needed. His most recent project as of the date of the hearing was a one-day job delivering some equipment. He had previously reopened a prior unemployment claim by filing an additional claim effective August 1, 2010, because his summer field and plant inspection work, which had begun on or about June 20, had ended on or about August 4 because the work was completed. On or about September 10, 2010 the claimant had been recalled for an additional project doing fall inspection training; that project had ended on about October 15, 2010, again because the work was completed.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if he 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 jobs or projects and completes the contract of hire by working until this specific work is done, the separation is not treated as a voluntary quit, and does not result in a disqualification to the claimant. 871 IAC 24.26(19).

Here, the employer did hire the claimant on a temporary basis for specific projects or jobs. The claimant completed the contract of hire by working until that project or job was done. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's September 14, 2010 decision (reference 03) 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 he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css