

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD A GOSCINSKI
Claimant

APPEAL NO. 07A-UI-08608-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRIPLE J TRANSFER INC
Employer

**OC: 07/29/07 R: 01
Claimant: Respondent (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Triple J Transfer, filed an appeal from a decision dated August 30, 2007, reference 02. The decision allowed benefits to the claimant, Richard Goscinski. After due notice was issued, a hearing was held by telephone conference call on September 25, 2007. The claimant did not participate. The employer participated by President Chris Juergensen.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Richard Goscinski was employed by Triple J Transfer from June 20, 2006 until June 30, 2007, as a full-time driver delivering local mail. In April 2007, President Chris Juergensen was notified his contract with the United States Postal Service would be ending June 30, 2007, and he in turn notified Mr. Goscinski and urged him to find out who would be taking over the contract so he could continue driving the route.

On May 31, 2007, the claimant notified the employer he was giving notice he would be quitting, as he had been offered a job at the Newell elevator. He did not know for sure when the job would begin but wanted to give the employer notice. When the employer was unable to find a driver to take over the route, Mr. Goscinski agreed to remain through the end of the contract period and the job ended June 30, 2007, along with the contract.

The employer did have other jobs available after June 30, 2007, but never offered any to the claimant because he was certain “he would not take them.”

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 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.

The claimant could not have continued working for Triple J Transfer beyond June 30, 2007, because the contract to deliver the mail had come to an end. Although, upon the implied recommendation of the employer, he sought to secure other work, he actually did work through the end of this contract period. Under the provisions of the above Administrative Code section, this is not a disqualifying event and benefits are allowed.

DECISION:

The representative's decision of August 30, 2007, reference 02, is affirmed. Richard Goscinski is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw