

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CRUZ MATA
Claimant

LIMAS FARM LABOR SERVICES CO LLC
Employer

APPEAL 22A-UI-00994-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/17/19
Claimant: Appellant (2)**

Iowa Code §96.5(2)a-Discharge/Misconduct
Iowa Code §96.5(1)- Voluntary Quit
871 IAC 24.26(22) – Voluntary Leaving
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

On December 1, 2021, the claimant/appellant filed an appeal from the January 6, 2021, (reference 02) unemployment insurance decision that denied benefits based on claimant voluntarily quitting on October 17, 2020. The parties were properly notified about the hearing. A telephone hearing was held on February 2, 2022. Appeal numbers 22A-UI-00995-CS-T, 22A-UI-00996-CS-T, 22A-UI-00997-CS-T and 22A-UI-00998-CS-T were heard together and created one record. Claimant participated at the hearing through a CTS Language Link Spanish Interpreter, Inaky (Identification No. 13766). Employer did not call in to participate during the hearing. Administrative notice was taken of claimant's unemployment insurance benefits.

ISSUES:

Is claimant's appeal timely?

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The unemployment insurance decision was mailed to the appellant's address of record on January 6, 2021. The appellant did not receive the decision. Claimant received a bill for repayment of benefits in December 2021 and claimant immediately filed an appeal. The overpayment of benefits is not related to the issue in this appeal.

The claimant was employed as a seasonal full-time farm laborer. Claimant began working for the employer on August 25, 2020. Claimant was notified on October 17, 2020, that employer did not have work for him. Claimant had no prior written or verbal warnings.

REASONING AND CONCLUSIONS OF LAW:

The first issue to be considered in this appeal is whether the appellant's appeal is timely. The administrative law judge determines it is.

Iowa Code section 96.6(2) provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The appellant did not have an opportunity to appeal the fact-finder's decision because the decision was not received. Without notice of a disqualification, no meaningful opportunity for appeal exists. See *Smith v. Iowa Emp't Sec. Comm'n*, 212 N.W.2d 471, 472 (Iowa 1973). Claimant was not aware that he was disqualified until he received a bill informing him he needed to repay benefits. The claimant filed an appeal within a reasonable period of time after discovering the disqualification. Therefore, the appeal shall be accepted as timely.

The next issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the reasons that follow the administrative law judge finds claimant is eligible for benefits.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

When a worker is hired for a specific purpose and/or time and fulfills that obligation, his leaving is not a disqualifying event. The claimant was hired as a seasonal farm laborer. He worked until the end of the contract. There was no more work available. Inasmuch as the claimant completed the contract of hire with the employer, no disqualification is imposed.

DECISION:

The claimant's appeal is timely.

The representative's January 6, 2021 decision (reference 02) is REVERSED. The claimant's separation from employment with Limas Farm Labor Services Co., LLC was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 22nd, 2022
Decision Dated and Mailed

cs/rs