

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARTURO CASTRO
Claimant

HOLMES MURPHY & ASSOCIATES
Employer

APPEAL 16A-UI-12829-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/06/16
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(22) – Voluntary Quitting – Specific Period of Time
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the November 28, 2016, (reference 02) unemployment insurance decision that allowed benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on December 19, 2016. Claimant did not participate. Employer participated through human resource business partner Lisa Parrish.

ISSUES:

Was the claimant separated from employment for any disqualifying reason?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer as a full-time summer intern on May 23, 2016. When the summer ended, employer agreed to allow the claimant to continue working on projects on a part-time basis. On November 3, 2016, no further project work was available and employer ended the internship. The employer had no more work for claimant.

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 §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.

The fact that a job is offered for a specific time period does not mean that a claimant is not eligible for unemployment insurance benefits at the end of the period of employment. Inasmuch as the claimant completed the contract of hire with employer, no disqualification is imposed. Benefits are allowed, provided the claimant is otherwise eligible.

Because claimant is qualified to receive benefits, the issues regarding overpayment are moot and will not be discussed further in this decision.

DECISION:

The November 28, 2016, (reference 02), unemployment insurance decision is affirmed. The claimant's separation from employment was for no disqualifying reason. Benefits are allowed, provided claimant is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

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