

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH J MEYER**  
Claimant

**APPEAL NO: 10A-UI-09669-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE TEMPOSITIONS**  
Employer

**OC: 05/30/10**  
**Claimant: Respondent (2-R)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(21) – Dissatisfaction of the Work Environment  
Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated June 28, 2010, reference 01, that held the claimant completed her temporary job assignment on April 23, 2010, and benefits are allowed. A telephone hearing was held on August 23, 2010. The claimant participated. Darlene Hughes, Account Manager, participated for the employer.

**ISSUES:**

Whether the claimant voluntarily quit with good cause attributable to the employer.

Whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work on assignment at Klein Tools on October 10, 2008. The claimant left for other employment at Jacobsen in February 2009. The claimant quit Jacobsen on February 4, 2010.

The claimant went back to the employer and accepted an assignment at Fusion that she worked from March 3, 2010 to March 19. The claimant told the employer she did not like the work, and it placed her back at Klein Tools on March 22. The claimant told the employer she did not like the work at Klein and quit her job effective April 23. The employer had no other assignment to offer to the claimant. The claimant has received benefits on her current unemployment claim.

## 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 24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on April 23, 2010 due to job dissatisfaction.

The claimant disliked the work that is a good personal reason for quitting, but not a cause attributable to the employer. The claimant never saw a doctor about her wrist or her headaches. Since the employer had moved the claimant from Fusion to Klein for the same reason she quit, it appears the claimant no longer wanted to work for the employer.

Iowa Code section 96.3-7, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue

of the individual's separation from employment. The employer shall not be charged with the benefits.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

Since the claimant received benefits, the overpayment issue is remanded to claims for a decision.

**DECISION:**

The department decision dated June 28, 2010, reference 01, is reversed. The claimant voluntarily quit without good cause attributable to the employer on April 23, 2010. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible. The overpayment issue is remanded.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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