

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LATASHA E PIPPINS**

Claimant

**APPEAL NO. 08A-UI-00436-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOWROYD WRIGHT EMPLOYMENT**

**AGENCY INC**

**APPLE 1 EMPLOYMENT AGENCY**

Employer

**OC: 07/29/07 R: 04  
Claimant: Respondent (2)**

Section 96.5(1)f – Quit/Personal Reasons

Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Apple 1 Employment Agency (Apple 1), filed an appeal from a decision dated January 2, 2008, reference 06. The decision allowed benefits to the claimant, Latasha Pippins. After due notice was issued, a hearing was held by telephone conference call on January 29, 2008. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Branch Manager Amy Mandarich

**ISSUE:**

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

**FINDINGS OF FACT:**

Latasha Pippins began employment with Apple 1 on June 17, 2002. Her last assignment began October 1, 2007, at Marsh Insurance and was to last until January 31, 2008.

On November 16, 2007, Ms. Pippins contacted Apple 1 and said she would not be returning to the assignment because she was leaving her husband and moving out of town. She had left four other assignments for this same reason and the employer had given her the “benefit of the doubt” and retained her on the eligible list when she would return. However, on this final occasion she was considered a permanent quit because her abrupt leaving of numerous assignments had jeopardized the employer’s relationship with its clients.

Ms. Pippins never returned to the employer to request another assignment after notifying Apple 1 she was quitting on November 16, 2007. She has received unemployment benefits since filing an additional claim with an effective date of November 18, 2007.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-f 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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

The claimant quit her last assignment with Apple 1 for personal reasons. She did not contact the employer to request another assignment after concluding her personal business. The employer had not consented to the leave of absence and was not given any prior notice of her intention to again leave an assignment. The record establishes the claimant did not have good cause attributable to the employer for quitting and is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of January 2, 2008, reference 06, is reversed. Latasha Pippins is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$1,440.00.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/css