

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DAWN N ECKLUND  
7544 – 78<sup>TH</sup> ST  
WAPELLO IA 52653-9387

TEMP ASSOCIATES  
1000 N ROOSEVELT AVE  
BURLINGTON IA 52601

Appeal Number: 06A-UI-02621-HT  
OC: 02/05/06 R: 04  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Temp Associates, filed an appeal from a decision dated February 21, 2006, reference 01. The decision allowed benefits to the claimant, Dawn Ecklund. After due notice was issued, a hearing was held by telephone conference call on April 5, 2006. The claimant participated on her own behalf. The employer participated by Office Manager Jan Windsor. Exhibit One was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Dawn Ecklund was employed by Temp Associates

from November 1, 2005 until February 6, 2006. She was assigned to Grimm Brothers Plastics working in the paint booth.

On February 7, 2006, the claimant came to the Temp Associates office and said she was quitting the assignment. She had just discovered she was pregnant and did not want to work in the paint booth. No other first-shift jobs were available at the client company, but she was offered a third-shift position, which she declined. Ms. Ecklund filled out an exit evaluation stating the reason she was leaving was "personal," and did not ask Office Manager, Jan Windsor, for another assignment.

Dawn Ecklund has received unemployment benefits since filing a claim with an effective date of February 5, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is

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.

The claimant quit because she discovered she was pregnant. There is nothing in the record to establish she went to a doctor who recommended she leave this assignment, the decision was entirely hers. She quit for personal reasons not for good cause attributable to the employer. She is disqualified.

Although she did notify Temp Associates she was leaving this assignment, she did not request another one. She has applied to Temp Associates in Muscatine, Iowa, but has not currently worked through that office.

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 February 21, 2006, reference 01, is reversed. Dawn Ecklund 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 \$1,560.00.

bgh/kkf