

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JASON J COCHRANE**  
Claimant

**APPEAL NO. 12A-UI-13856-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING COMPANY LC**  
c/o **THOMAS & THORNGREN INC**  
Employer

**OC: 10/07/12**  
**Claimant: Respondent (3-R)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.27 – Quit – Part-Time Employment

**STATEMENT OF THE CASE:**

Jacobson Staffing Company LC filed a timely appeal from a representative's decision that was dated November 14, 2012, reference 03, which held claimant eligible to receive unemployment insurance benefits finding that he voluntarily quit part-time employment with Jacobson Staffing but finding the claimant eligible to receive benefits based upon earnings with other employment in his claim. After due notice was provided, a telephone hearing was held on February 11, 2013. Although duly notified, the claimant did not participate. The employer participated by Ms. Danielle Aeschliman.

**ISSUE:**

The issue is whether the claimant quit employment with Jacobson Staffing Company LC under disqualifying conditions.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Jason Cochrane began employment with Jacobson Staffing Company LC on March 26, 2012. Mr. Cochrane was assigned to work as a full-time worker at the company's client, Jeld-Wen Company as a production worker and was being paid by the hour. The assignment was a long-term "match to hire" assignment and continuing work was available to Mr. Cochrane. Mr. Cochrane quit his employment on March 29, 2012 because of childcare issues.

Prior to accepting the full-time temporary assignment to the Jeld-Wen Company, Mr. Cochrane was informed of the pay, the working hours and the location. Although the claimant had accepted the terms of the employment, he nonetheless quit his job concluding that the working hours were not compatible with the family's childcare needs.

## REASONING AND CONCLUSIONS OF LAW:

The first question before the administrative law judge is whether the evidence in the record establishes the claimant was employed full time or part time in his assignment with Jacobson Staffing Company LC. The evidence in the record clearly establishes that the assignment was full time and not part time. The second question before the administrative law judge is whether the claimant's separation from employment took place under disqualifying conditions.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2).

871 IAC 24.27 provides that an individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not requalified for benefits by earning ten times his or her weekly benefit amount in wages for insured employment, but who nevertheless has sufficient other wage credits to be eligible for benefits may receive reduced benefits based upon the other base period wages. The evidence in the record establishes, however, that Mr. Cochrane did not leave part-time employment with Jacobson Staffing but left full-time employment under disqualifying conditions.

The claimant's leaving Jacobson Staffing was not attributable to the employer because Mr. Cochrane was clearly informed prior to accepting employment of the nature of the work, the hours and the pay. Although the claimant accepted full-time employment in a "match to hire" position, he later left employment for personal reasons that were not attributable to the employer. As such, the claimant is subject to a benefit disqualification. The claimant must requalify for benefits by earning ten times his weekly benefit amount in insured work.

For the reasons stated herein, the administrative law judge concludes that the claimant left his full-time employment with Jacobson Staffing Company LC under disqualifying conditions. Unemployment insurance benefits are withheld.

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.

**DECISION:**

The representative's decision dated November 14, 2012, reference 03, is affirmed as modified. The portion of the determination finding that the claimant left employment without good cause attributable to the employer is affirmed. The portion of the determination allowing the claimant to receive benefits from other base period employers is modified to hold that the claimant is disqualified for the receipt of unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible. The issue of whether the claimant must repay unemployment insurance benefits is remanded to the UIS Division for determination.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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