

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CRYSTAL WASHINGTON**

Claimant

**APPEAL 21A-UI-18977-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES-IOWA INC**

Employer

**OC: 03/14/21**

**Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment  
Iowa Code § 96.5(1)j – Voluntary Quit from Temporary Employment  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation in Fact-Finding  
Public Law 116-136, sec. 2104 – Federal Pandemic Unemployment Compensation  
Iowa Code § 96.6(2) – Timeliness of Appeal

**STATEMENT OF THE CASE:**

On August 25, 2021, employer Temp Associates-Iowa, Inc., filed an appeal from the June 25, 2021 (reference 01) unemployment insurance decision that allowed benefits based on a determination that claimant's separation was adjudicated in a prior benefit year. The parties were properly notified of the hearing. A telephonic hearing was held at 1:00 p.m. on Wednesday, October 20, 2021. Appeal numbers 21A-UI-18975-LJ-T and 21A-UI-18977-LJ-T were heard together and created one record. The claimant, Crystal Washington, did not register a telephone number and did not participate in the hearing. The employer, Temp Associates-Iowa, Inc., participated through Susan Watkins, Branch Manager. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Was the separation adjudicated in a prior benefit year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for Temp Associates-Iowa, Inc., on July 8, 2019. Claimant's most recent assignment was at West Rock, working full-time hours as an office administrator. Claimant's assignment at West Rock ended on March 20, 2020, when she was laid off due to COVID-19.

After claimant's shift on March 20, Watkins spoke with the claimant and notified her that she was being laid off. Watkins explained that West Rock was downsizing due to COVID-19. Watkins informed claimant that the employer had other assignments available and asked claimant if she was interested in a new assignment. Claimant declined a new assignment, stating she was having trouble with childcare due to COVID-19.

Claimant has not made any contact with the employer since March 20, 2020. On May 3, 2021, when Watkins learned that claimant was receiving unemployment insurance benefits, she called claimant and offered her the opportunity to return to working at the West Rock assignment where she worked previously. Claimant said her phone was going dead and told Watkins she would call her back. Watkins has yet to receive a return phone call.

The administrative record reflects that claimant has received unemployment benefits in the amount of \$3,815.15, since filing a claim with an effective date of March 15, 2020, for the eleven weeks ending June 6, 2020. The administrative record also establishes that claimant has received Federal Pandemic Unemployment Compensation ("FPUC") benefits in the amount of \$6,000.00 for the ten-week period ending June 6, 2020. Additionally, claimant received Lost Wages Assistance Program ("LWAP") benefits in the amount of \$1,800.00 for the six-week period ending September 5, 2020. The administrative record also establishes that the employer did not participate in the fact-finding interview through no fault of its own. The administrative record reflects that no fact-finding interview occurred.

Initially, a disqualification decision was mailed to the employer's address of record on August 24, 2020. The employer did not receive the decision. A second notice of disqualification was sent to the employer's address of record on June 25, 2021. The employer did not receive that decision either. The employer's first notice that the claimant was receiving unemployment insurance benefits chargeable to its account was the Statement of Charges for the second quarter of 2021. The employer promptly sent in an appeal upon receipt of this document, which was applied to these decisions.

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

For the reasons that follow, the administrative law judge concludes claimant's separation was adjudicated in a prior benefit year.

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final.

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The separation decision from the claim year effective March 15, 2020, has been reversed. Inasmuch as the current decision is in conflict with the prior claim year decision, the current decision is reversed.

**DECISION:**

The June 25, 2021 (reference 01) unemployment insurance decision is reversed. The prior decision on the separation remains in effect.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

November 1, 2021  
Decision Dated and Mailed

lj/scn

**NOTE TO CLAIMANT:**

- This decision determines you have been overpaid FPUC benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- You may also request a waiver of this overpayment. The written request must include the following information:
  1. Claimant name & address.
  2. Decision number/date of decision.
  3. Dollar amount of overpayment requested for waiver.
  4. Relevant facts that you feel would justify a waiver.

- The request should be sent to:

Iowa Workforce Development  
Overpayment waiver request  
1000 East Grand Avenue  
Des Moines, IA 50319

- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.