

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUGUST M BALTUTAT

Claimant

APPEAL NO. 11A-UI-07381-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION

Employer

OC: 05/08/11

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving
Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Employer filed an appeal from the May 31, 2011, reference 01, decision that allowed benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on June 29, 2011. The claimant was not available when called for the hearing. The employer did not respond to the notice of hearing and did not participate.

ISSUE:

The issue is whether claimant voluntarily quit employment without good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed the administrative file, the administrative law judge finds: The claimant was employed through the employer performing various temporary work from March 17, 2008 through December 22, 2010. Claimant quit his ongoing assignment because he was dissatisfied with management and felt the place was not being run correctly.

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.

Claimant quit his employment due to dissatisfaction with the work environment. A quit for this reason is without good cause attributable to the employer. See 871 IAC 24.25(21). Therefore, it is concluded that the claimant quit his employment without good cause attributable to 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.

The issue of whether the claimant is overpaid is remanded for determination.

DECISION:

The May 31, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided claimant is otherwise eligible. The issue of whether the claimant is overpaid is remanded for determination.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/kjw