

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

CARRIE L DUEHR  
2404 N 8<sup>TH</sup> ST #101  
RED OAK IA 51566-1180

ADVANCE SERVICES INC  
c/o TALK UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166-6864

Appeal Number: 05A-UI-02910-CT  
OC: 02/13/05 R: 01  
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) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Advance Services, Inc. filed an appeal from a representative's decision dated March 11, 2005, reference 01, which held that no disqualification would be imposed regarding Carrie Duehr's separation from employment. After due notice was issued, a hearing was held by telephone on April 5, 2005. The employer participated by Brandie McFarland, Office Manager. Exhibits One and Two were admitted on the employer's behalf. Ms. Duehr did not respond to the notice of hearing.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Duehr began working for Advance Services, Inc., a temporary placement firm, on January 30, 2004. On May 19, 2004, she was placed in an assignment with NSK-AKS where she worked full time in production. On February 7, 2005, she was removed from the assignment because of her attendance. She did not seek further work from Advance Services, Inc. but instead notified the employer that she did not want further assignments.

Ms. Duehr has received a total of \$1,476.00 in job insurance benefits since filing her claim effective February 13, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Duehr was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Duehr completed her last assignment at NSK-AKS. However, she did not seek reassignment within three working days after the end of the assignment as required by Iowa Code section 96.5(1)j. She had been provided written notice of this obligation. Ms. Duehr told Advance Services, Inc. that she did not want them to place her in further assignments. The administrative law judge concludes, therefore, that she voluntarily quit working for Advance Services, Inc., which was her employer.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any good cause attributable to the employer for Ms. Duehr's quit. Accordingly, she is not eligible to receive job insurance benefits.

Ms. Duehr has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

#### DECISION:

The representative's decision dated March 11, 2005, reference 01, is hereby reversed. Ms. Duehr voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Duehr has been overpaid \$1,476.00 in job insurance benefits.

cfc/sc