

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS E CLARK
Claimant

APPEAL NO. 09O-UI-01735-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 11/02/08 R: 04
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated December 23, 2008, reference 03, which held that no disqualification would be imposed regarding Thomas Clark's separation from employment. After due notice was issued, a hearing was held by telephone on January 8, 2009. The employer participated in the hearing. The January 9, 2009 decision of the administrative law judge reversed the allowance of benefits. Mr. Clark filed a further appeal with the Employment Appeal Board which, on January 30, 2009, remanded the matter for a new hearing. The matter was remanded because Mr. Clark had not received notice of the prior hearing.

Pursuant to the remand order, due notice was issued scheduling a telephone hearing on February 25, 2009. The employer responded to the notice of hearing but Mr. Clark did not. Because the matter was remanded for his participation and he did not respond to the hearing notice, the administrative law judge saw no reason to again take the employer's testimony.

ISSUE:

At issue in this matter is whether Mr. Clark was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The "Findings of Fact" as set forth by Administrative Law Judge Terence Nice in the decision of January 9, 2009 are hereby incorporated as though fully set forth herein.

REASONING AND CONCLUSIONS OF LAW:

The "Reasoning and Conclusions of Law" as set forth by Judge Nice are hereby incorporated as though fully set forth herein.

DECISION:

The representative's decision dated December 23, 2008, reference 03, is hereby reversed. Mr. Clark voluntarily quit his employment for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for inured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs