

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MONICA CAMERON**  
Claimant

**APPEAL NO. 13A-UI-08624-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ROBERT HALF CORPORATION**  
Employer

**OC: 06/16/13**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the July 15, 2013, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on August 29, 2013. Claimant Monica Cameron participated. Stacy Coleman represented the employer. Exhibits One through Four were received into evidence.

**ISSUE:**

Whether Ms. Cameron separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Robert Half Corporation is a temporary employment agency. Monica Cameron is a licensed, non-practicing attorney. In June 2012, Ms. Cameron commenced a full-time, temporary assignment at Wells Fargo. Ms. Cameron last performed work in the assignment on October 24, 2012.

On October 26, 2012, Ms. Cameron notified Stacy Coleman, Candidate Sourcing Coordinator for Robert Half Corporation, that she would be quitting the assignment at Wells Fargo effective November 9, 2012. Ms. Cameron decided to leave the assignment due to a personality conflict with the Wells Fargo supervisor, whom Ms. Cameron perceived to be uncommunicative. Ms. Cameron was dissatisfied with the supervisor for taking until October 24, to approve Ms. Cameron's request to come in later than usual on October 25 and 26. Ms. Cameron was dissatisfied that the supervisor had not approved the late arrivals earlier in the month, in response to messages that Robert Half Corporation had sent to the Wells Fargo supervisor. Ms. Cameron's usual work hours were 3:30 p.m. to midnight. Ms. Cameron needed to come in late on October 25 and 26 so that she could participate in a continuing legal education class. Ms. Cameron ended up not reporting for work at all on October 25 and 26.

When Ms. Cameron notified Ms. Coleman on October 26 that she intended to leave the assignment effective November 9, 2012, Ms. Coleman did not know that Ms. Cameron had not reported for work on October 25 and 26. Ms. Cameron never returned to the assignment after October 24, 2012. On October 29, 2012, the Wells Fargo supervisor notified Robert Half Corporation that Ms. Cameron had not been reporting for work. The Wells Fargo supervisor intended to issue a reprimand to Ms. Cameron when she reported for work on October 29, but Ms. Cameron did not appear for work that day. When Robert Half Corporation learned that Ms. Cameron had not reported for three shifts, they started the attempts to contact Ms. Cameron in an attempt to learn what hours she had worked during the work week that started Monday, October 22, 2013. On October 31, Ms. Cameron got back to Robert Half Corporation with her work hours for the week in question. The parties had no further contact at that point.

### **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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

871 IAC 24.25(22) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(22) The claimant left because of a personality conflict with the supervisor.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The weight of the evidence in the record indicates that Ms. Cameron voluntarily quit the assignment by failing to appear for additional shifts after October 24, 2012 and by giving notice to the employer that she intended to quit the employment. Though Ms. Cameron did not care for her relationship with the Wells Fargo supervisor, the evidence fails to establish intolerable or detrimental working conditions that would have prompted a reasonable person to quit the employment. The evidence indicates instead a voluntary quit based on dissatisfaction with the supervisor and with the work environment at Wells Fargo. The voluntary quit was without good cause attributable to the employer. Effective October 25, 2012, Ms. Cameron was disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits.

The unemployment insurance law requires benefits be recovered from a claimant who receives benefits and is later denied benefits even if the claimant acted in good faith and was not at fault. However, a claimant will not have to repay an overpayment when an initial decision to award benefits on an employment separation issue is reversed on appeal if two conditions are met: (1) the claimant did not receive the benefits due to fraud or willful misrepresentation, and (2) the employer failed to participate in the initial proceeding that awarded benefits. In addition, if a claimant is not required to repay an overpayment because the employer failed to participate in the initial proceeding, the employer's account will be charged for the overpaid benefits. Iowa Code § 96.3-7-a, -b.

The matter of deciding the amount of the overpayment and whether the amount overpaid should be recovered from the claimant and charged to the employer under Iowa Code § 96.3-7-b is remanded to the Agency.

**DECISION:**

The Agency representatives July 15, 2013, reference 01, decision is reversed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

This matter is remanded to the Claim Division for adjudication of the overpayment issue.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs