

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DWAYNE F WILLIAMS**

Claimant

**APPEAL NO. 10A-UI-06948-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 04/04/10**

**Claimant: Respondent (2-R)**

Section 96.5(1)j – Temporary Employment  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Advance Services, Inc. filed an appeal from a representative's decision dated May 3, 2010, reference 02, which held that no disqualification would be imposed regarding Dwayne Williams' separation from employment. After due notice was issued, a hearing was held by telephone on June 28, 2010. Mr. Williams participated personally. The employer participated by Scott McKenzie, Unemployment Specialist. The hearing record was left open to allow Mr. Williams an opportunity to submit pertinent telephone records. Since no additional records were submitted, the hearing record was closed.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Williams began working through Advance Services, Inc., a temporary placement service, on September 21, 2006. On July 8, 2009, he began a full-time assignment with All Side Window Company. He was removed from the assignment after he was absent November 3, 4, and 5 without notice to either Advance Services, Inc. or All Side Window Company. The employer did not hear further from him until he came to get his paycheck on November 13, 2009. Continued work would have been available on the assignment until approximately April of 2010.

Mr. Williams filed a claim for job insurance benefits effective April 4, 2010. He has received benefits since filing the claim.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Williams was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of

the law. See 871 IAC 24.26(19), (22). Mr. Williams did not complete his assignment with All Side Window Company. He abandoned his job when he stopped reporting for available work without notice. The assignment was not yet completed when he stopped reporting. For the above reasons, his separation shall be considered a voluntary quit.

An individual who leaves employment voluntarily 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 Mr. Williams' decision to stop reporting for work. As such, he is not entitled to job insurance benefits.

Mr. Williams has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment. As a general rule, an overpayment of job insurance benefits must be repaid. Iowa Code section 96.3(7). If the overpayment results from the reversal of an award of benefits based on an individual's separation from employment, it may be waived under certain circumstances. An overpayment will not be recovered from an individual if the employer did not participate in the fact-finding interview on which the award of benefits was based, provided there was no fraud or willful misrepresentation on the part of the individual. This matter shall be remanded to Claims to determine if benefits already received will have to be repaid.

**DECISION:**

The representative's decision dated May 3, 2010, reference 02, is hereby reversed. Mr. Williams voluntarily quit his employment with Advance Services, Inc. for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible. This matter is remanded to Claims to determine the amount of any overpayment and whether Mr. Williams will be required to repay benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css