

**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**

**LINDA K FOX
1720 – 335TH ST
BRIGHTON IA 52540**

**TEMP ASSOCIATES
1000 N ROOSEVELT AVE
BURLINGTON IA 52601**

**Appeal Number: 05A-UI-00566-CT
OC: 11/07/04 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

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 January 12, 2005, reference 02, which held that no disqualification would be imposed regarding Linda Fox's separation from employment. After due notice was issued, a hearing was held by telephone on January 31, 2005. The employer participated by Debra Fox, Account Manager. Exhibit One was admitted on the employer's behalf. Linda Fox responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Fox began working for Temp Associates on November 29, 2004 and was assigned to work at Mt. Pleasant Foods. The assignment was of indefinite duration and could have resulted in permanent employment after 90 days. Ms. Fox underwent two days of orientation at the work site before she started the assignment. She quit the assignment on December 16, 2004 before its completion. She cited personal reasons for her decision to leave. She was experiencing medical problems unrelated to the work. Ms. Fox did not give any other reason for leaving the assignment at Mt. Pleasant Foods. Continued work would have been available if she had not quit.

Ms. Fox has received a total of \$1,223.00 in job insurance benefits between December 12, 2004 and January 15, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Fox 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. Fox quit her assignment with Mt. Pleasant Foods before it was completed. Therefore, her separation is considered a voluntary quit. 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). Ms. Fox quit due to personal matters. Although she indicated in her fact-finding statement that she quit because of the cold work environment, she never advised the employer of this factor. Furthermore, she was made aware of the work environment during orientation before she began the assignment. Because she did not tell Temp Associates that she was having a problem with the work temperature, she deprived the employer of the opportunity to try to find an alternative placement for her at Mt. Pleasant Foods or elsewhere.

After considering all of the evidence, the administrative law judge concludes that Ms. Fox voluntarily quit her employment for no good cause attributable to the employer. Accordingly, benefits are denied as of the Sunday of the week in which the quit occurred, December 12, 2004. Ms. Fox has received benefits since December 12, 2004. 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 January 12, 2005, reference 02, is hereby reversed. Ms. Fox voluntarily quit her employment with Temp Associates 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. Fox has been overpaid \$1,223.00 in job insurance benefits between December 12, 2004 and January 15, 2005.

cfc/sc