

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BLAKE R TJADEN
Claimant

APPEAL NO. 07A-UI-03819-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**OC: 03/18/07 R: 03
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's April 5, 2007 decision (reference 01) that concluded Blake R. Tjaden (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the employer discharged him for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 1, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Colleen McGuinty, the employer's unemployment insurance benefits administrator, and Kathy Hutchinson, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The employer assigned the claimant to his first job on March 28, 2005. The claimant's most recent assignment began on November 20, 2006. When the claimant did not call or report to work on February 5 or 6, the employer called the claimant on February 6. The claimant told the employer he was fed up with the whole system. The claimant did not return to work. The employer did not understand what problem the claimant had, because the client liked the claimant and talked about hiring him as a one their regular employees.

The claimant established a claim for unemployment insurance benefits during the week of March 18, 2007. He filed claims for the weeks ending March 24 through April 7. The claimant received his maximum weekly benefits of \$97.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if voluntarily quits his employment without good cause attributable to the employer. Iowa Code § 96.5-1. The facts indicate the claimant voluntarily quit his employment by failing to report to work for two days and telling the employer he was fed up with the system. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant may have legitimate reasons for quitting. The facts do not establish he quit for reasons that qualify him to receive unemployment insurance benefits. As of March 18, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending March 24 through April 7, 2007. The claimant has been overpaid \$291.00 in benefits he received for these weeks.

DECISION:

The representative's April 5, 2007 decision (reference 01) is reversed. The employer did not discharge the claimant. Instead, the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 18, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending March 24 through April 7, 2007. The claimant has been overpaid and must repay a total of \$291.00 in benefits he received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw