

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELVIN PEACOCK
Claimant

APPEAL NO. 08O-UI-02468-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SUPREME STAFFING INC
Employer

**OC: 12/16/07 R: 03
Claimant: Respondent (2)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment
Iowa Code § 96.3-7 - Overpayment

STATEMENT OF THE CASE:

Supreme Staffing, Inc. (employer) appealed an unemployment insurance decision dated January 14, 2008, reference 01, which held that Melvin Peacock (claimant) was eligible for unemployment insurance benefits. Administrative Law Judge Hillary conducted an initial hearing on this matter in appeal 08A-UI-00598-H2T in which benefits were denied. The claimant appealed the decision but the recording of the hearing could not be transcribed due to a bad recording. The Employment Appeal Board remanded for a new hearing in an order dated March 11, 2008. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 27, 2008. The claimant was granted a postponement, so the hearing was rescheduled and held on April 2, 2008. The claimant participated in the hearing. The employer participated through Mike Riehle, Office Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant sought reassignment within three working days of the end of his last assignment and whether the claimant was overpaid unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 08A-UI-00598-H2T are adopted and incorporated herein as if set forth at length.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 08A-UI-00598-H2T are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated January 14, 2008, reference 01, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$896.00.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw