

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL NALL**  
Claimant

**APPEAL NO. 07A-UI-09663-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 09/02/07 R: 02**  
**Claimant: Respondent (2)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Express Services, filed an appeal from a decision dated October 12, 2007, reference 06. The decision allowed benefits to the claimant, Michael Nall. After due notice was issued, a hearing was held by telephone conference call on October 30, 2007. The claimant did not participate, as the notice sent to his address of record was returned by the United States Postal Service for insufficient address. The employer participated by Personnel Supervisor Kerri Peterson.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Michael Nall worked for Express Services beginning September 18, 2006. He worked on and off for the employer at client company Rees Associates. All assignments are ongoing because Express Services supplies the majority of the workers for that client. Mr. Nall's last period of work at Rees Associates began on February 16, 2007 and ended on May 10, 2007, when he notified Personnel Supervisor Melissa Cory he quit. The assignment was still available to him had he elected to remain.

Michael Nall has received unemployment benefits since filing a claim with an effective date of September 2, 2007. The records of Iowa Workforce Development indicate he has not earned at least ten times his weekly benefit amount subsequent to leaving Express Services.

**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.

The claimant elected to quit his assignment with Express Services even though he could have remained for an indefinite period. The record establishes he did not have good cause attributable to the employer for quitting and is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of October 12, 2007, reference 06, is reversed. Michael Nall is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$763.00.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw