

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER W WILLIS
Claimant

APPEAL NO. 07A-UI-09288-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 08/19/07 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated September 27, 2007, reference 02, which held that no disqualification would be imposed regarding Christopher Willis' separation from employment. After due notice was issued, a hearing was held by telephone on October 17, 2007. Mr. Willis participated personally. The employer participated by Andre Smith, Staffing Consultant.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Willis began working through Express Services, Inc., a temporary placement service, on July 30, 2007. His last assignment was with Curries, where he worked on August 14. The assignment was to be of indefinite duration but Mr. Willis quit after one day of work. He indicated he found the work too hard. Continued work would have been available on the assignment if he had not quit.

Mr. Willis completed a questionnaire for Express Services, Inc. on July 27, 2007, in which he was asked about his lifting abilities. He indicated he was capable of performing heavy lifting. At Curries, he lifted metal parts that weighed from 20 to 25 pounds each. In order to keep up with others, Mr. Willis carried several parts at one time for a total of approximately 125 pounds. He was not told he had to carry any minimum number of parts at one time. The supervisor at Curries did not advise him of any problems with his job performance.

Mr. Willis filed a claim for job insurance benefits effective August 19, 2007. He has received a total of \$212.00 in benefits since filing his claim.

REASONING AND CONCLUSIONS OF LAW:

Mr. Willis was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Willis quit his assignment with Curries before its completion. Therefore, his separation of August 14, 2007 constituted 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).

Mr. Willis quit his assignment at Curries because he found the work too hard. It was his choice to lift more than he felt comfortable with. It is unknown as to whether he would have been disciplined if he did not carry the weight he did. He indicated before placement that he was capable of heavy lifting. He knew the assignment at Curries required heavy lifting and, therefore, the job was not misrepresented to him. He worked on the assignment only one day. He did not know whether he would be permitted to lift less weight on the assignment. Mr. Willis did not cite any medical condition or physical limitation that would prevent him from performing the job for which he was hired. The administrative law judge concludes that he did not have good cause attributable to the employer for quitting.

For the reasons cited herein, Mr. Willis is not eligible to receive job insurance benefits. He has received \$212.00 in benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7). An overpayment in the amount of \$212.00 has already been established based on a refusal-of-work issue.

DECISION:

The representative's decision dated September 27, 2007, reference 02, is hereby reversed. Mr. Willis voluntarily quit employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. The \$212.00 overpayment previously assessed by Workforce Development is affirmed.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs