

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA J HUGHES
Claimant

APPEAL NO. 07A-UI-10466-AT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

ADVANCE SERVICES INC
Employer

OC: 05-13-07 R: 01
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Advance Services, Inc. filed a timely appeal from an unemployment insurance decision dated November 2, 2007, reference 04, that allowed benefits to Jessica J. Hughes. After due notice was issued, a telephone hearing was held November 29, 2007 with Ms. Hughes participating. Human Resources Coordinator Sue Peterson participated on behalf of the employer. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

Did the claimant leave employment for good cause attributable to the employer?
Has the claimant been overpaid?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jessica J. Hughes was employed by Advance Services, Inc. on assignment to Palmer Candy starting on October 3, 2007. Knowing the commuting distance when she accepted the assignment, Ms. Hughes voluntarily resigned effective October 4, 2007 because of the commuting distance between her home, the home of her babysitter and the employer's place of business. Further work was available to her had she not resigned. Ms. Hughes has received unemployment insurance benefits since filing an additional claim effective September 23, 2007.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Ms. Hughes left work with good cause attributable to the employer. It does not. The evidence in the record establishes that Ms. Hughes resigned because of the commuting distance. Since she knew the commuting distance when she accepted the job, her resignation must be considered a quit without good cause attributable to the employer. See 871 IAC 24.25(30). Benefits must be withheld.

Ms. Hughes has received unemployment insurance benefits to which she is not entitled. They must be recovered in accordance with the provisions of Iowa Code section 96.3-7.

DECISION:

The unemployment insurance decision dated November 2, 2007, reference 04, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. She has been overpaid by \$966.00.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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