

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARSHA L STEWART**  
Claimant

**APPEAL NO. 07A-UI-05981-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR WORLD OF IOWA**  
Employer

**OC: 04/22/07 R: 02**  
**Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

Labor World of Iowa (employer) appealed a representative's June 5, 2007 decision (reference 02) that concluded Marsha L. Stewart (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 2, 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 she could be contacted to participate in the hearing. As a result, no one represented the claimant. Jeff Oswald, a representative with TALX, appeared on the employer's behalf with Cristin Adams testifying 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 her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for reasons that qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant registered to work for the employer. The employer assigned the claimant to work at the Iowa Events Center. The claimant started this assignment on November 15, 2006. The claimant cleaned the Events Center. Each week, the claimant contacted Adams to find out when she was scheduled to work. This cleaning job was an on-going job until May or early June 2007.

The claimant completed a scheduled shift on December 2, 2006. The claimant was next scheduled to work at the Events Center on December 5 at 10:00 a.m. The claimant did not

return to work or contact the employer again to find out when she was scheduled to work after December 2, 2006.

The claimant established a claim for unemployment insurance benefits during the week of April 22, 2007. The claimant filed claims for the weeks ending April 28 through June 16, 2007. She received her maximum weekly benefit amount of \$57.00 for each of these weeks.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant had continuing employment with the employer through May or early June if she would have reported back to work after December 2, 2006. The claimant's failure to report back to work or contact the employer anytime after December 2, 2006, establishes that the claimant voluntarily quit her job assignment.

The claimant may have had compelling reasons for failing to return to work, but the facts presented at the hearing do not establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of April 22, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she 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 April 28 through June 16, 2007. The claimant has been overpaid \$456.00 in benefits she received for these weeks.

**DECISION:**

The representative's June 5, 2007 decision (reference 02) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 22, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending April 28 through June 16, 2007. The claimant has been overpaid and must repay a total of \$456.00 in benefits she received for these weeks.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw