

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINA A THOMAS**  
Claimant

**APPEAL NO. 07A-UI-11153-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RIVERSIDE STAFFING SERVICES INC**  
Employer

**OC: 04/01/07 R: 04  
Claimant: Respondent (2)**

Section 96.5(1) – Quit  
Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Riverside Staffing Services, Inc. (Riverside), filed an appeal from a decision dated November 21, 2007, reference 03. The decision allowed benefits to the claimant, Christina Thomas. After due notice was issued, a hearing was held by telephone conference call on December 18, 2007. The claimant did not participate personally but submitted a letter in lieu of personal testimony which was admitted as Exhibit A. The employer participated by Senior Staffing Consultant Karrie Minch.

**ISSUE:**

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

**FINDINGS OF FACT:**

Christina Thomas was employed by Riverside from July 25 until November 5, 2007. Her last assignment was at R.R. Donnelly and was to be long-term. She worked only one day then left a voice mail message on the employer's phone to say she would not be returning to the assignment because she did not like the work. No further explanation was given and she did not request another assignment as required. The application for employment does specifically notify employees they must contact Riverside within three days of the end of any assignment to request more work or they are considered a voluntary quit.

Christina Thomas has received unemployment benefits since filing an additional claim with an effective date of October 21, 2007.

**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.

Iowa Code section 96.5-1-j 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, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant accepted a long-term assignment but only worked one day because she did not like the work. The employer allows this but does require the employee to contact the office and request more work within three days of the end of the assignment and the claimant failed to do this. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

The claimant's written statement did not speak to why she left her last assignment or why she did not request more work after ending that one. The statement attempted to rebut matters which were not in issue such as her character and her work searches. The letter began by stating she would not participate in the appeal hearing because she did not "feel that [she] should have to do this." As a result she did not present any evidence or testimony to rebut the employer's testimony she quit without good cause attributable to the employer. The claimant is therefore 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 she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of November 21, 2007, reference 03, is reversed. Christina Thomas is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$972.00.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css