

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHANNON FREDERICKSEN
Claimant

SEDONA STAFFING INC
Employer

APPEAL NO. 20A-UI-04444-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/15/20
Claimant: Respondent (4)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation
871 IA Admin. Code 24(10) – Employer Participation in Fact Finding

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated May 19, 2020, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 9, 2020. Employer participated by Colleen McGuinty. Claimant failed to respond to the hearing notice and did not participate.

ISSUES:

Whether claimant voluntarily quit for good cause attributable to employer?

Whether claimant was overpaid benefits?

If claimant was overpaid benefits, should claimant repay benefits or should employer be charged due to employer's participation or lack thereof in fact finding?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 24, 2020. Claimant voluntarily quit after that date, as she decided to accept full-time work with Worley warehouse – the company with which she had been temporarily placed by employer. Claimant did work for Worley warehouse.

Claimant has received state unemployment benefits in this matter in the amount of \$2856.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter in the amount of \$5400.00.

Employer is deemed to have substantially participated in fact finding, as employer was prepared at the time of the hearing and no call was made until 1 ½ hours after the fact finding was

scheduled. Employer returned the call from the fact finder within the hour, gave the scenario behind the separation, and offered her number if further information was requested.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

In this matter claimant voluntarily quit her job with employer for the sole purpose of accepting other employment that she did accept and did work. As such, claimant's quit is not disqualifying for the receipt of benefits and employer's account shall not be charged.

The overpayment issue is moot.

The issue of employer participation is moot.

DECISION:

The decision of the representative dated May 19, 2020, reference 01, is amended in favor of employer such that employer's account will not be charged. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

June 24, 2020
Decision Dated and Mailed

bab/sam