

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONATHAN R ETTER
Claimant

APPEAL NO. 11A-UI-12562-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC
Employer

OC: 06/26/11
Claimant: Respondent (2-R)

Section 96.5-1 - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 15, 2011, reference 02, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on October 17, 2011. The claimant participated in the hearing. Danielle Aeschliman participated on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time for the employer on an assignment at Jeld-Wen Doors from March 22, 2011, to June 22, 2011. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

On June 22, 2011, the claimant left work during his break after his supervisor yelled at him and directed profanity toward him. He had complained to management at Jeld-Wen about the treatment he received in the past from the supervisor but the problems reoccurred. The claimant never complained to anyone with the employer about the problems at Jeld-Wen.

After leaving work on June 22, 2011, the claimant did not contact the employer to inform the employer that he had ended his assignment and he did not seek a new assignment.

The claimant has been paid \$616.00 in unemployment insurance benefits from September 4 to October 22, 2011.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

Jacobson Staffing Company was the claimant's employer, not Jeld-Wen Doors. If the claimant had a complaint about working conditions, he should have notified Jacobson. Since the claimant did not contact the employer to notify the employer that he had left his assignment and he did not seek a new assignment, he is considered to have voluntarily quit employment without good cause attributable to the employer.

The unemployment insurance law requires benefits to be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. But the overpayment will not be recovered when an initial determination to award benefits is reversed on appeal on an issue regarding the claimant's employment separation if: (1) the benefits were not received due to any fraud or willful misrepresentation by the claimant and (2) the employer did not participate in the initial proceeding to award benefits. The employer will not be charged for benefits whether or not the overpayment is recovered. Iowa Code § 96.3-7. In this case, the claimant has received benefits but was ineligible for those benefits. The matter of deciding the amount of the overpayment and whether the overpayment should be recovered under Iowa Code § 96.3-7-b is remanded to the Agency.

DECISION:

The unemployment insurance decision dated September 15, 2011, reference 02, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs