

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAULA G JACKSON**  
Claimant

**APPEAL NO. 08A-UI-01227-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FBG SERVICE CORPORATION**  
Employer

**OC: 01/06/08 R: 04  
Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated January 28, 2008, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 19, 2008. The claimant participated. The employer participated by Joshua Burroughs, Attorney/Representative, and witnesses, Jeannie Jett and Debra Johnson.

**ISSUE:**

The issue in this matter is whether the claimant quit for good cause attributable to the employer and whether the claimant is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from November 2006 until December 10, 2007 when she voluntarily quit her employment after being reprimanded by the employer. Ms. Johnson worked as a full-time cleaner and was paid by the hour.

The claimant was dissatisfied as she has temporarily been moved to a different job location due to business needs. The claimant at her own request then had been moved to a different location offering day time work. Ms. Jackson quit her job after being issued a reprimand for not doing her job and left her employment with the company.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the claimant has established good cause attributable to the employer for leaving her employment. She has not. The evidence in the record establishes that the claimant voluntarily quit her job after being issued a reprimand for failure to perform her duties as expected. The subject of the reprimand or the manner that it was issued did not provide the claimant good cause for leaving. The claimant had been warned

and cautioned in the past for failure to get along with other workers and was aware that the employer expected her to perform her duties and to work effectively with other individuals employed by the company. The employer had attempted to accommodate the claimant by moving her to a preferred work/hours job, however, the claimant nevertheless quit her employment.

871 IAC 24.25(28) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(28) The claimant left after being reprimanded.

For the above stated reasons, the administrative law judge concludes that the claimant left employment under disqualifying conditions.

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.

Because the claimant's separation was disqualifying, benefits were paid to which the claimant was not entitled, those benefits must be recovered in accordance with the provisions of Iowa law. The claimant is overpaid benefits in the amount of \$202.00.

**DECISION:**

The representative's decision dated January 28, 2008, reference 01, is hereby reversed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid

wages for insured work equal to ten times the claimant's weekly benefit amount, provided that she is otherwise eligible. The claimant has been overpaid unemployment insurance benefits in the amount of \$ 202.00.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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