

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEANNA HILL
Claimant

APPEAL NO. 12A-UI-06330-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTRUST
Employer

OC: 04/15/12
Claimant: Respondent (2-R)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Intrust, filed an appeal from a decision dated May 25, 2012, reference 01. The decision allowed benefits to the claimant, Deanna Hill. After due notice was issued a hearing was held by telephone conference call on June 27, 2012. The claimant participated on her own behalf. The employer participated by Talent Relations Manager Nick Malcom and Human Resources Business Partner Danielle Burkhalter.

ISSUE:

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

FINDINGS OF FACT:

Deanna Hill was employed by Intrust from September 21, 2011 until April 14, 2012, as a full-time home care aide level two. The administrative offices for Intrust are located at 11333 Aurora Avenue, Urbandale, Iowa.

In March 2012, the employer announced a new company, True Care, would be taking over the employees at home care aides levels one and two, plus home companions and “flex teams.” All Intrust employees in these categories were told to fill out applications for True Care and they would be hired on if they passed the background check and drug test.

Ms. Hill refused to fill out an application for True Care because at one of the orientation meetings the new owners said there would be some changes to the health care. The claimant has no idea what actual changes were going to be made but solely on that basis, declined to work for True Care.

Deanna Hill has received unemployment benefits since filing a claim with an effective date of April 15, 2012.

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.

The claimant refused to work for the new company acquiring her portion of Intrust's employee pool. This was based on her uninformed belief there would be substantial changes to the insurance coverage. Since Ms. Hill has failed to provide any definitive information about what these substantial changes were alleged to have been the administrative law judge cannot conclude she has met her burden of proof to establish good cause attributable to the employer for quitting. She is disqualified.

Iowa Code section 96.3-7, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

a. 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.

b. (1) 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. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. The employer shall not be charged with the benefits.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

The claimant has received unemployment benefits to which she is not entitled. The question of whether the claimant must repay these benefits is remanded to the UIS division.

DECISION:

The representative's decision of May 25, 2012, reference 01, is reversed. Deanna Hill is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs