

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL A ARENSDORF
Claimant

APPEAL NO. 07A-UI-04307-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

**OC: 01/28/07 R: 04
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

The employer, Riverside Staffing, filed an appeal from a decision dated April 12, 2007, reference 02. The decision allowed benefits to the claimant, Carol Arensdorf. After due notice was issued, a hearing was held by telephone conference call on May 14, 2007. The claimant did not provide a telephone number where she could be contacted and did not participate. 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:

Carol Arensdorf worked for Riverside Staffing on March 6, and 7, 2007, at Ivy and Associates. She interviewed for the job and accepted when it was offered to her as a long-term assignment. On March 7, 2007, the claimant called Senior Staffing Consultant Karrie Minch and said she would have to quit because the hours she was working would interfere with her coaching. The assignment was ongoing and was still available to her at the time she quit.

Carol Arensdorf has received unemployment benefits since filing a claim with an effective date of January 28, 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.

The claimant quit even though the assignment was ongoing and still available to her. She maintained the hours she worked would interfere with other activities, but she knew the hours when she accepted the assignment. While her decision to quit may be based on what she believes to be good personal cause, it does not constitute good cause attributable to the employer. The claimant is 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 April 12, 2007, reference 02, is reversed. Carol Arensdorf 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 \$376.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw