

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMIE A VOLKER**  
Claimant

**APPEAL NO. 08A-UI-08742-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QWEST CORPORATION**  
Employer

**OC: 08/31/078 R: 02**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Qwest, filed an appeal from a decision dated September 22, 2008, reference 01. The decision allowed benefits to the claimant, Jamie Volker. After due notice was issued, a hearing was held by telephone conference call on October 15, 2008. The claimant participated on her own behalf. The employer participated by Site Business Manager Terri Hannam and was represented by Barnett Associates in the person of Mary Otu.

**ISSUE:**

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

**FINDINGS OF FACT:**

Jamie Volker was employed by Quest from November 27, 2006 until August 26, 2008 as a full-time customer service and sales representative. She gave a verbal resignation to Supervisor Michael Jenson on August 26, 2008, because too many deductions had been made from her paycheck.

The claimant's wages had been garnished by the clerk of court to pay a judgment against her. In addition, deductions were taken from the paycheck through a program of "e-ductions," which allows employees to "borrow" against their future paychecks by making purchases with a special card. Also, the claimant had been tentatively allowed FMLA for approximately 12 days in July 2008, which was subsequently denied because she did not provide the necessary paperwork from her doctor. Under company policy those paid FMLA/vacation days were considered "unpaid" days and she was required to repay the wages she received for those days. The repayment for the unauthorized time off was spread over two pay periods in August 2008.

Jamie Volker has received unemployment benefits since filing a claim with an effective date of August 31, 2008.

## 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 not because she was having difficulty receiving her pay, but because she had accumulated too many debts that were being deducted from her wages. This is not the fault of the employer, because the garnishment and the "e-ductions" were matters of purely personal consideration as a result of the claimant's own actions. The additional deductions for the unauthorized FMLA days that were denied due to her failure to submit the proper paperwork from her doctor. None of this is caused by, or the responsibility of, the employer. The record establishes the claimant did not have good cause attributable to the employer for quitting and 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 September 22, 2008, reference 01, is reversed. Jamie Volker is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw