

Cedar Rapids Gazette from April 11, 2005 to July 13, 2005. It was a temp-to-hire position, but the assignment ended because the claimant was asked to fill out an employment application to become a full-time employee of the Gazette and refused to do so. On July 13, 2005, the employer called the claimant and asked if he intended to return the application, and the claimant stated he was not interested in permanent employment and he wanted to end the assignment. He did not contact the employer after July 13, 2005, to notify it of his availability for other work.

The claimant has received unemployment insurance benefits since his separation from this employer.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant did not want to work a permanent position and told the employer he wanted to end the assignment. He did not offer an explanation as to why he did not want a full-time, permanent assignment and did not contact the employer after July 13, 2005, to notify it he was available for other assignments. Consequently, the administrative law judge must conclude that the claimant has not established that his leaving was for good cause attributable to the employer and benefits must be denied.

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.

DECISION:

The August 29, 2005, reference 04, decision is reversed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$2,677.00.

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