

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

UNDRA D JOHNSON
Claimant

APPEAL NO. 07A-UI-10211-CT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

LABOR READY MIDWEST INC
Employer

**OC: 09/02/07 R: 12
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated October 25, 2007, reference 01, which held that no disqualification would be imposed regarding Undra Johnson's separation from employment. After due notice was issued, a hearing was held by telephone on November 20, 2007. Mr. Johnson participated personally and offered additional testimony from Latta Johnson. The employer participated by Kimberly Thompson, Branch Manager.

ISSUE:

At issue in this matter is whether Mr. Johnson was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Johnson began working through Labor Ready, a temporary placement service, on March 21, 2007. On October 3, he began an assignment working full time for Pella Windows. The assignment was of indefinite duration but Mr. Johnson only worked October 3 and 4. He notified Labor Ready that he was relocating to Mississippi. Continued work on the assignment would have been available if Mr. Johnson had not left. He had to be replaced after October 4.

Mr. Johnson filed a claim for job insurance benefits effective September 2, 2007. He received benefits for each of the six weeks between September 30 and November 10, 2007.

REASONING AND CONCLUSIONS OF LAW:

Mr. Johnson was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Johnson did not complete the assignment with Pella Windows that he started on October 3, 2007. He left the assignment while work continued to be

available for him. Because he did not complete the assignment, his separation on October 4 is considered a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Johnson quit his employment to relocate to Mississippi. An individual who leaves employment to move to a different locality is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(2). Inasmuch as there was no other reason for the separation, the administrative law judge concludes that Mr. Johnson's separation from Labor Ready was without good cause attributable to the employer. The fact that he notified the employer of his intent to relocate does not alter the fact that he left his assignment while work was still available. For the reasons cited herein, benefits are denied.

Mr. Johnson has received benefits since his disqualifying separation from Labor Ready. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7). The overpayment consists of the benefits received from September 30 through November 10, 2007, a total of \$1,917.00

DECISION:

The representative's decision dated October 25, 2007, reference 01, is hereby reversed. Mr. Johnson quit his employment with Labor Ready on October 4, 2007 for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Johnson has been overpaid \$1,917.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs/css