

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONYA R MC DONALD**  
Claimant

**APPEAL NO: 10A-UI-00073 -DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADECCO USA INC**  
Employer

**OC: 11/15/09**  
**Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's December 23, 2009 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Tom Kuiper, a representative with UC Express, appeared on the employer's behalf. Janelle Case, an account manager, testified on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients on September 26, 2006. The employer most recently assigned the claimant to a job on August 14, 2009. When the claimant worked at this assignment, she contacted the employer about problems she had while working at this assignment. On November 14, the claimant notified the employer that she could not take working at this assignment any longer and quit. The claimant did not finish this job assignment; there was more work for her to do.

The employer assumed the claimant quit this assignment because of personal problems. The employer did not have another job to assign to claimant when she quit on November 14, 2009.

The claimant established a claim for benefits during the week of November 15, 2009. The claimant has filed for and received benefits since November 15, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The evidence establishes the claimant voluntarily quit her employment on November 14, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The claimant may have had compelling reasons for quitting. The facts presented during the hearing do not, however, establish that the claimant quit for reasons that qualify her to receive benefits. Therefore, as of November 15, 2009, the claimant is not qualified to receive benefits.

Since the claimant has received benefits, an issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's December 23, 2009 decision (reference 01) is reversed. The claimant voluntarily quit her employment. She did not establish that she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 15, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is Remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css