

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANCY L BREMER
Claimant

APPEAL NO. 07A-UI-10621-CT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

DES STAFFING SERVICES INC
Employer

**OC: 10/07/07 R: 03
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (DES) filed an appeal from a representative's decision dated November 6, 2007, reference 03, which held that no disqualification would be imposed regarding Nancy Bremer's separation from employment. After due notice was issued, a hearing was held by telephone on December 3, 2007. Ms. Bremer participated personally. The employer participated by Amy MacGregor, Human Resources.

ISSUE:

At issue in this matter is whether Ms. Bremer 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: Ms. Bremer began working through DES, a temporary placement service, on August 16, 2007. She was placed on an assignment with CCB Packaging where she worked full-time hours. Her last day at work was Friday, September 21, and she was to return to work on Monday, September 24.

Ms. Bremer did not report for work or contact either DES or CCB Packaging on September 24. DES left a message for her the afternoon of September 24. Ms. Bremer called DES on September 25 and indicated she was having problems with allergies. She did not indicate what her intentions were regarding her assignment with CCB. Ms. Bremer did not return to work after September 25 or otherwise contact DES for work. Continued work would have been available on the assignment if Ms. Bremer had continued reporting for work.

Ms. Bremer saw her doctor on September 22 and received medication for her allergies. Her doctor did not advise that she remain off work as a result of her condition. Ms. Bremer was unable to state whether anything at CCB aggravated her allergies. She had not requested that DES place her on a different assignment.

Ms. Bremer filed a claim for job insurance benefits effective October 7, 2007. She has received a total of \$401.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

Ms. Bremer was not discharged from her employment. She abandoned her job when she stopped reporting for available work. She notified the employer on September 25 that she was having problems with allergies but gave no indication of her intentions regarding her assignment with CCB. Ms. Bremer 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). Ms. Bremer did not complete her assignment with CCB as she stopped reporting for work while work continued to be available. Because she did not report for work or contact the employer after September 25, the administrative law judge concludes that the separation was 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). Ms. Bremer raised an issue during the hearing concerning the training she received at CCB. However, she never made an issue of her training during the six weeks she was on the assignment and did not ask to be moved to a different assignment. Therefore, she deprived DES of the opportunity to find a placement more to her liking. Since she did not give the employer an opportunity to address whatever deficiencies she found at CCB, those deficiencies do not constitute good cause attributable to the employer for quitting. She did not cite any problems at CCB that would justify quitting without first giving DES an opportunity to resolve them.

For the reasons cited herein, the administrative law judge concludes that Ms. Bremer quit her employment for no good cause attributable to the employer. As such, benefits are denied. Ms. Bremer has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated November 6, 2007, reference 03, is hereby reversed. Ms. Bremer voluntarily quit her employment with DES for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Bremer has been overpaid \$573.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs/kjw