

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

CANDICE M COGLIZER  
1547 – 33<sup>RD</sup> ST  
DES MOINES IA 50311

HICKMAN MOTOR LODGE  
6336 HICKMAN RD STE 203  
DES MOINES IA 50322

DAVID WETSCH  
ATTORNEY AT LAW  
974 – 73<sup>RD</sup> ST STE 20  
DES MOINES IA 50312-1032

Appeal Number: 05A-UI-04074-CT  
OC: 03/13/05 R: 02  
Claimant: Respondent (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Hickman Motor Lodge filed an appeal from a representative's decision dated April 6, 2005, reference 02, which allowed benefits to Candice Coglizer but denied the employer relief from benefit charges. After due notice was issued, a hearing was held by telephone on May 17, 2005. Ms. Coglizer participated personally. The employer participated by Steve Bassman, Owner, and was represented by David Wetsch, Attorney at Law.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Coglizer began working for Hickman Motor Lodge on August 28, 2003. She was hired to work full time as a front desk clerk. She had been working from 50 to 80 hours per two-week pay period but her hours were reduced beginning in July of 2004. She was then working from 33 to 40 hours per pay period.

Ms. Coglizer filed a claim for job insurance benefits effective March 13, 2005. Subsequent to filing her claim, she has not worked fewer than 30 hours per pay period. She has been paid a total of \$1,138.00 in job insurance benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Coglizer is entitled to job insurance benefits on her claim filed effective March 13, 2005. Her hours had been reduced in July of 2004 and she continued to work the reduced hours. The reduction was from 33 to 40 hours per two-week pay period. She acquiesced to the reduced workweek by continuing in the employment in spite of the reduction. As such, the terms of the employment were to work from 33 to 40 hours per pay period. According to the payroll information provided by the employer during the hearing, Ms. Coglizer has worked a minimum of 30 hours each pay period since filing her claim for benefits. There was only one pay period for which she only worked 30 hours. This is three hours short of what she would expect to work, given the change implemented in July of 2004.

Based on the fact that Ms. Coglizer only worked 30 hours during the pay period ending April 24, 2005, the administrative law judge concludes that she is entitled to partial benefits for the two weeks represented by that pay period. This would be the weeks ending April 16 and April 23, 2005. Benefits are denied for the remaining weeks claimed as there was no reduction for those weeks. Ms. Coglizer was paid \$926.00 in benefits for weeks claimed other than those ending April 16 and April 23. 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 April 6, 2005, reference 02, is hereby modified. Ms. Coglizer is entitled to job insurance benefits for the weeks ending April 16 and April 23, 2005 as she was working a reduced workweek. The employer's account will be charged for benefits for those two weeks. Benefits are denied for other weeks claimed as Ms. Coglizer was not working a reduced workweek. Ms. Coglizer has been overpaid \$926.00 in job insurance benefits.

cfc/pjs