

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHERYL J PETERSON
Claimant

APPEAL NO. 06A-UI-09681-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**OC: 09/03/06 R: 03
Claimant: Respondent (2)**

Section 96.5-1-j – Voluntary Quit Temporary Job Assignment
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's September 27, 2006 decision (reference 01) that concluded Cheryl J. Peterson (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's unemployed status had been addressed in an earlier decision (September 22, 2006). The employer appealed the September 22 decision. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 17, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Sarah Schneck and Tom Appel, an account manager, appeared 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.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a new benefit year during the week of September 3, 2006. The claimant had reopened a previous claim during the week of August 20, 2006, or after she completed a job the employer had assigned to her. The claimant completed the job assignment on August 18, 2006. The employer appealed a representative's September 22 decision (reference 01) that addressed the August 18, 2006 situation. The September 22 representative's decision has been reversed and the claimant has been held not qualified to receive benefits as of August 19, 2006. See decision for appeal 06A-UI-09680-DWT. The claimant has not earned ten times her weekly benefit amount since August 18, 2006.

The claimant filed claims for the weeks ending September 9 through 30, 2006. The claimant received her maximum weekly benefit amount of \$294.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

The issue of the claimant's unemployed status as of August 18, 2006 was addressed in the decision for appeal 06A-UI-09680-DWT. Since the claimant has not requalified by earning ten times her weekly benefit amount since August 18, 2006, she remains disqualified from receiving benefits as of September 3, 2006. 871 IAC 24.28(1).

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. Based on the decision for appeal 06A-UI-09680-DWT, the claimant is not legally entitled to receive benefits for the weeks ending September 9 through 30, 2006. The claimant has been overpaid \$1,176.00 in benefits she received for these weeks.

DECISION:

The representative's September 27, 2006 decision (reference 01) is reversed because the September 22, 2006 representative's decision was reversed as the result of the decision for appeal 06A-UI-09680-DWT. Since the claimant has not requalified to receive unemployment insurance benefits, she remains disqualified from receiving unemployment insurance benefits as of September 3, 2006. The claimant's 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 claimant is not legally entitled to receive benefits for the weeks ending September 9 through 30, 2006. The claimant has been overpaid and must repay a total of \$1,176.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw