

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLIFTON L WADDY
Claimant

APPEAL NO. 08A-UI-02675-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 02/10/08 R: 12
Claimant: Respondent (2)

Section 96.5-1 - Voluntary Quit
Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 14, 2008, reference 02, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on April 2, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Sandy Matt participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?
Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant worked for the employer as an over-the-road truck driver from January 25, 2007, to August 15, 2007. The claimant was directed to report to the employer's headquarters in Cedar Rapids for an audit of his driving log. The claimant failed to report and indicated that he was required to perform some community service as a result of a criminal sentence. After the community service was completed, the claimant never contacted the employer again about returning to work.

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 10, 2008. The claimant reported working for JB Hunt, an out-of-state employer from October 26, 2007, to February 11, 2008. The claimant's weekly benefit amount was determined to be \$164.00.

The claimant filed for and received a total of \$1,044.00 in unemployment insurance benefits for the weeks between February 10 and March 29, 2008.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The evidence establishes the claimant voluntarily quit his employment and did not have good cause. The claimant is disqualified unless he produces proof of wages of at least \$1,640.00 from an employer he worked for after August 15, 2007.

The next issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

As a result of this decision, the claimant is disqualified from receiving unemployment insurance benefits and was overpaid \$1,044.00.00 in benefits for the weeks between February 10 and March 29, 2008. The employer's account shall not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated March 14, 2008, reference 02, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise

eligible. The claimant was overpaid \$1,044.00 in unemployment insurance benefits, which must be repaid. The disqualification can be lifted and overpayment can be removed if the claimant produces proof of wages totaling at least \$1,640.00 received from an employer after August 15, 2007.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs