

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT A LEE
Claimant

APPEAL NO. 19A-UI-05515-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 07/01/18
Claimant: Appellant (4)

Iowa Code Section 96.5(5) – Deductibility of Worker’s Compensation Benefits

STATEMENT OF THE CASE:

Robert Lee filed a timely appeal from the July 3, 2019, reference 09, decision that allowed benefits provided Mr. Lee met all other eligibility requirements, but that held Mr. Lee was receiving worker’s compensation benefits for temporary disability that would be deducted from his unemployment insurance benefits beginning with the week that ended June 8, 2019. After due notice was issued, a hearing was held on August 5, 2019. Mr. Lee participated personally and was represented by attorney Randall Schueller. Mai Lor represented the employer and presented testimony through BreAnna Hart. The hearing in this matter was consolidated with the hearing in Appeal Numbers 19A-UI-05514-JTT and 19A-UI-05516-JTT. Exhibits 1, 2 and 3 were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN (database readout for 07/01/18 benefit year) and KCCO (continued claims).

ISSUE:

Whether the claimant received worker’s compensation benefits that are deductible from his unemployment insurance benefits effective June 2, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Robert Lee established an “additional claim” for unemployment insurance benefits that Iowa Workforce Development deemed effective June 2, 2019. The additional claim was based on a July 1, 2018 original claim date. Mr. Lee’s weekly unemployment insurance benefit amount was set at \$342.00. At the time Mr. Lee established the additional claim that was effective June 2, 2019, he had been receiving \$327.12 in weekly worker’s compensation benefits for temporary total disability (TTD). Mr. Lee continued to receive \$327.12 in weekly TTD benefits until those benefits ceased effective June 30, 2019. The final TTD check was disbursed on July 10, 2019 for the one-week period of Monday, June 24, 2019 through Sunday, June 30, 2019. Mr. Lee did not receive any TTD benefits that were for the week that ended July 6, 2019, the last week of his claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(5) provides, in relevant part, as follows:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

5. Other compensation.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

....

(2) Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

....

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraph "a", subparagraph (1), (2), or (3), were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer's account shall be charged with benefits so paid. However, compensation for service-connected disabilities or compensation for accrued leave based on military service by the beneficiary with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual otherwise qualified from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

For each of the benefit weeks between June 2, 2019 through June 29, 2019, Mr. Lee received \$317.12 (rounded to \$317.00) in TTD worker's compensation benefits that are deductible from his unemployment insurance benefit eligibility for those weeks on a dollar-per-dollar basis. Mr. Lee did not receive any TTD benefits for the benefit week that ended July 6, 2019.

DECISION:

The July 3, 2019, reference 09, decision, is modified as follows. For the each of the benefit weeks between June 2, 2019 through June 29, 2019, the claimant received \$317.12 (rounded to \$317.00) in temporary total disability worker's compensation benefits that are deductible from his unemployment insurance benefit eligibility for those weeks on a dollar-per-dollar basis. The claimant did not receive any TTD benefits for the benefit week that ended July 6, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn