

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID L MOOSE
Claimant

APPEAL NO. 09A-UI-15587-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 08/09/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 13, 2009, reference 02, that held he was overpaid benefits \$3,416.00 due to the department decision he had not earned \$250.00 in wages for insured work during or after his previous benefit year. A telephone hearing was scheduled for November 18, 2009. The claimant did not participate.

ISSUE:

The issue is whether the claimant is overpaid benefits \$3,416.00.

FINDINGS OF FACT:

The administrative law judge, having heard the claimant's testimony and having considered the evidence in the record, finds: The claimant filed a second benefit year claim effective October 9, 2009, and the department did not evidence he had earned \$250.00 in wages for insured work during or after his previous benefit year. Subsequently, the department determined the claimant was eligible for emergency unemployment compensation (EUC) benefits. The department records show the claimant does not have an outstanding overpayment due to a recoupment/offset.

The claimant did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes that the claimant is overpaid regular unemployment compensation \$3,416.00, because he failed to earn \$250.00 in wages for insured work during or after his previous benefit year.

The claimant later qualified for EUC, and the department records show he has no outstanding overpayment.

DECISION:

The department decision dated October 13, 2009, reference 02, is affirmed. The claimant is overpaid \$3,416.00.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw