

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAINE VILLAPUDUA**  
Claimant

**APPEAL NO. 09A-UI-16086-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 07/05/09**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

CRST Van Expedited, Inc. (CRST) filed an appeal from a representative's decision dated October 16, 2009, reference 01, which held that no disqualification would be imposed regarding Jaine Villapudua's separation from employment. After due notice was issued, a hearing was held by telephone on December 2, 2009. The employer participated by Sandy Matt, Human Resources Specialist, and Matt Hoffman, Fleet Manager. Mr. Villapudua did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Villapudua was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Villapudua began working for CRST on July 17, 2008 as an over-the-road driver. He last performed services on May 24, 2009. He was then scheduled for six days of "home time" and was to return to work on or about May 31, 2009. He did not return to work or notify the employer of his intentions. The employer left three or four voice messages for him but none were returned. He had not complained about any work-related matters prior to the separation and continued work would have been available if he had returned to work.

Mr. Villapudua filed a claim for regular job insurance benefits effective July 5, 2009. He received a total of \$3,411.82 in benefits on the claim. He filed a claim for extended benefits effective November 8, 2009 and has received \$600.00 in extended benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Villapudua abandoned his job when he failed to return to work following "home time." As such, his separation is considered a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good

cause attributable to the employer. Iowa Code section 96.5(1). Mr. Villapudua did not participate in the hearing to explain why he stopped working for CRST. He had not complained about any work-related matters prior to quitting. The evidence of record does not establish any good cause attributable to the employer for the quit. As such, benefits are denied.

Mr. Villapudua has received benefits since filing his claims. Based on the decision herein, the benefits received now constitute an overpayment. As a general rule, an overpayment of job insurance benefits must be repaid. Iowa Code section 96.3(7). If the overpayment results from the reversal of an award of benefits based on an individual's separation from employment, it may be waived under certain circumstances. An overpayment will not be recovered from an individual if the employer did not participate in the fact-finding interview on which the award of benefits was based, provided there was no fraud or willful misrepresentation on the part of the individual. This matter shall be remanded to Claims to determine if benefits already received will have to be repaid.

**DECISION:**

The representative's decision dated October 16, 2009, reference 01, is hereby reversed. Mr. Villapudua quit his employment with CRST for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible. This matter is remanded to Claims to determine the amount of any overpayment and whether Mr. Villapudua will be required to repay benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs