

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHONNA M STANLEY
Claimant

APPEAL NO. 10A-UI-12671-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11-27-09
Claimant: Appellant (2)

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 25, 2010, reference 03, decision that found the claimant overpaid unemployment insurance benefits. After due notice was issued hearing was scheduled for October 27, 2010 by telephone conference call. Because of subsequent agency action, the hearing was not necessary.

ISSUE:

Has the claimant requalified for benefits since her separation from G & J Investments Inc?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed from dated March 1, 2010, reference 02, denied benefits effective April 1, 2009. In a representative's decision dated October 17, 2010, reference 04, amending reference 02, the agency reversed that denial and allowed benefits effective April 1, 2009. It was found that the claimant had requalified for benefits since her separation.

REASONING AND CONCLUSIONS OF LAW:

Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate.

Iowa Code § 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.

DECISION:

The representative's decision dated August 25, 2010, reference 03, is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css