

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

QUINN S WOOD
Claimant

APPEAL NO. 17A-UI-02119-LJ

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/03/16
Claimant: Appellant (5-R)**

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed the February 21, 2017, (reference 06), decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$4,008.00 for the twelve-week period ending February 11, 2017, as a result of a disqualification decision related to claimant's separation from Hy-Vee, Inc. An in-person hearing was held in Mason City, Iowa on June 15, 2017, pursuant to due notice. The claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a disqualification decision that has now been affirmed. (See 16A-UI-13838-LJ) Claimant did receive benefits in the gross amount of \$4,008.00, following his separation from part-time employment (employer account number 006858-000).

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge cannot draw a conclusion on whether claimant was overpaid benefits until a determination is made about claimant's monetary eligibility according to his base period wages.

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.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

The administrative law judge cannot make a determination on whether claimant has been overpaid benefits until the issue resolving his monetary eligibility is resolved. Accordingly, the issue of overpayment is reserved pending resolution of the monetary eligibility issue.

DECISION:

The February 21, 2017, (reference 06) decision is modified with no change in effect. The issue of claimant's overpayment is reserved until such time as the issue remanded to the Benefits Bureau of Iowa Workforce Development is resolved.

REMAND:

The claimant's monetary eligibility after his quit of part-time employment (employer account number 006858-000), as delineated in the findings of fact, is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn