

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOYLE E BRITTAIN
Claimant

APPEAL NO: 10A-UI-02343-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPEMNT DEPARTMENT**

**OC: 11/22/09
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's February 9, 2010 decision (reference 05) that held him overpaid \$494.00 in benefits he received for the weeks ending November 28 through December 26, 2009. A telephone hearing was held on March 25, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid \$494.00 in benefits he received for the weeks ending November 28 through December 26, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 22, 2009. His maximum weekly benefit amount is \$116.00. Between June 5 and November 22, 2009, the claimant earned gross wages from Indianola Community School District that totaled more than \$1,160.00.

The claimant filed claims for the weeks ending November 28, December 5, 12 and 26, 2009. He received a total of \$394.00 in benefits for these weeks. He received an additional \$25.00 each week from the government's economic stimulus program.

The claimant appealed a representative's December 31, 2009 decision that held him disqualified from receiving benefits as of June 5, 2009, because he had voluntarily quit his employment. This decision has been affirmed. See decision for appeal 10A-UI-02342-DWT.

REASONING AND CONCLUSIONS OF LAW:

A claimant shall be eligible to receive benefits even though he voluntarily quit employment without good cause, if subsequent to leaving such employment; he worked in and was paid

wages for insured work equal to ten times his weekly benefit amount. 871 IAC 24.28(1). The facts establish that between June 5 and November 22, 2009, the claimant earned wages of more than \$1,160.00 from Indianola Community School. Therefore, the claimant requalified to receive benefits as of November 22, 2009. This means he is legally entitled to receive benefits for the weeks ending November 28 through December 26, 2009. He has not been overpaid any benefits and does not owe the Department \$494.00.

DECISION:

The representative's February 9, 2010 decision (reference 05) is reversed. The claimant requalified to receive benefits by the time he established his claim during the week of November 22, 2009. Therefore, he is eligible to receive benefits for the weeks ending November 28 through December 26, 2009. He has not been overpaid \$494.00 in benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs