

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEF F KRALIK
Claimant

APPEAL NO. 08A-DUA-00050-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/15/08 R: 03
Claimant: Appellant (5)**

20 CFR 625.4 - Unemployment Caused by a Major Disaster

STATEMENT OF THE CASE:

The claimant appealed Disaster Unemployment Assistance (DUA) decision dated October 22, 2008, that concluded he was ineligible to receive DUA effective July 20, 2008, because he had returned to his normal work. A telephone hearing was held on November 17, 2008. The claimant participated in the hearing.

ISSUE:

Was the claimant ineligible to receive DUA effective July 20, 2008, because he had returned to his normal work?

FINDINGS OF FACT:

The claimant was laid off due to lack for work effective June 15, 2008, due to disastrous flooding conditions in Cedar Rapids at his place of employment, Crowne Plaza Hotel.

The claimant filed for regular unemployment insurance benefits and for DUA benefits effective June 15, 2008, and filed weekly claims for benefits for the five weeks between June 15 and July 19, 2008. He returned to work on July 20, 2008, and stopped filing claims.

In Appeal 08A-UI-11016-SWT, it was determined that the claimant was qualified to receive unemployment insurance benefits because he had been paid sufficient wages to requalify for benefits after his separation from Goodwill Industries.

REASONING AND CONCLUSIONS OF LAW:

The claimant is not contesting the fact that he returned to work on July 20, 2008. In fact, he stopped filing claims after the week ending July 19, 2008, so the decision is really a moot point. The DUA rules provide that a person who is qualified for regular unemployment compensation is not eligible for DUA benefits. 20 CFR § 625.4(i). As decided in Appeal 08A-UI-11016-SWT, it was determined that the claimant was qualified to receive unemployment insurance benefits because he had been paid sufficient wages to requalify for benefits after his separation from Goodwill Industries. No DUA claim should have been filed in this case.

DECISION:

The unemployment insurance decision dated October 22, 2008 is modified with no effect on the outcome. The claimant was not eligible for DUA or regular unemployment insurance benefits after July 19, 2008, because he had returned to work.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw