

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Perae began working for Hy-Vee on February 28, 2001 as a part-time cashier and night stocker. She usually worked from 30 to 40 hours each week. For the payroll weeks ending September 4 and September 11, she was scheduled to work 25 and 24 hours respectively. Ms. Perae filed a claim for job insurance benefits effective September 11, 2005. She has been scheduled to work at least 30 hours for each payroll week thereafter beginning with the week of September 12 through 18, 2005.

Ms. Perae was paid \$50.00 in job insurance benefits for the week ending September 17, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Perae is entitled to job insurance benefits on her claim filed effective September 11, 2005. It is true that her hours were reduced during the two weeks before she filed her claim. However, there has been no reduction in hours during the period covered by her claim. Ms. Perae had been working a minimum of 30 hours each week and has been scheduled for at least 30 hours each week since September 12, 2005. Inasmuch as her hours had been restored to their former level by the time she filed her claim for job insurance benefits, she was not eligible for benefits as of September 11, 2005.

Ms. Perae has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated October 3, 2005, reference 01, is hereby reversed. Ms. Perae is not entitled to benefits effective September 11, 2005 as she was not partially unemployed due to a reduction in hours. Ms. Perae has been overpaid \$50.00 in job insurance benefits for the week ending September 17, 2005.

cfc/kjf