

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MYRON G GREEN
Claimant

APPEAL NO. 10A-UI-12120-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF AMES
Employer

OC: 07/18/10
Claimant: Respondent (1)

Section 96.5-5-b – Workers’ Compensation Payments
871 IAC 24.13(3)d – Workers’ Compensation – Temporary Disability

STATEMENT OF THE CASE:

City of Ames filed a timely appeal from an unemployment insurance decision dated August 13, 2010, reference 03, that ruled that workers’ compensation benefits being paid to Myron G. Green were for a permanent disability and thus were not deductible from unemployment insurance benefits. After due notice was issued, a hearing was held in Des Moines, Iowa on October 28, 2010. This matter is considered on a consolidated record with Appeal No. 10A-UI-12701-A.

ISSUE:

Is the claimant receiving deductible workers’ compensation benefits?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: In May 2010 Myron Green and the City of Ames, Iowa entered into a compromise settlement before the Workers’ Compensation Commissioner to settle all workers’ compensation claims related to work-related injuries suffered on January 24, 2005; June 8, 2008 and July 31, 2009. Mr. Green had suffered injuries that resulted in a permanent disability preventing him from climbing utility poles. The claimant had worked his regular hours from January 2010 until his separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the workers’ compensation benefits being paid to Mr. Green pursuant to the compromise settlement are deductible from unemployment insurance benefits. Only workers’ compensation benefits for temporary disability or healing periods are deductible from unemployment insurance benefits. See Iowa Code section 96.5-5-b and 871 IAC 24.13(3)d. The evidence before the administrative law judge persuades him that the benefits in question were due to his permanent restriction. As such, they are not deductible.

DECISION:

The unemployment insurance decision dated August 13, 2010, reference 03, is affirmed. The claimant's workers' compensation benefits are not deductible. He is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs