

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HOWARD I THOMAS**  
Claimant

**APPEAL NO. 09A-UI-15691-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/20/09**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a representative's decision dated October 13, 2009, reference 03, that held he was overpaid benefits in the amount of \$798.00 due to the department decision he had not earned \$250.00 in wages for insured work during or after his previous benefit year. A telephone hearing was scheduled for November 19, 2009. The claimant did not participate. Official notice is taken of the agency records.

**ISSUE:**

The issue is whether the claimant is overpaid benefits of \$798.00.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: The claimant filed a second benefit year claim effective September 20, 2009, and the department did not find evidence that he had earned \$250.00 in wages for insured work during or after his previous benefit year. Subsequently, the department determined the claimant was not eligible for unemployment insurance benefits effective September 20, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

The administrative law judge concludes that the claimant is overpaid regular unemployment compensation in the amount of \$798.00 because he failed to earn \$250.00 in wages for insured work during or after his previous benefit year.

**DECISION:**

The representative's decision dated October 13, 2009, reference 03, is affirmed. The claimant has been overpaid benefits of \$798.00.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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