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IN THE COURT OF APPEALS OF IOWA

No. 1-447 / 91-110

GEORGE D. DeGREIF,

Plaintiff-Appellant,

vs.

EMPLOYMENT APPEAL BOARD,

Defendant-Appellee.

Appeal from the Iowa District Court for Black Hawk County, Alan L. Pearson, Judge.

Petitioner appeals a judgment of the district court affirming a decision of the Employment Appeal Board ruling petitioner was ineligible for job insurance benefits. **AFFIRMED.**

John S. Pieters of Pieters & Pieters, Waterloo, for appellant.

Joe E. Smith of the Employment Appeal Board, Des Moines, for appellee.

Considered by Donielson, P.J., and Hayden and Sackett, JJ.

SACKETT, J.

Petitioner-appellant George DeGreif appeals the decision of the district court affirming the Employment Appeal Board's decision denying him unemployment compensation, and determining he was overpaid unemployment compensation benefits. We affirm.

DeGreif worked for John Deere Component Works in Waterloo, Iowa. DeGreif sustained a work-related injury on April 22, 1988. He applied for and received unemployment compensation in the amount of $3,806 from April 20, 1988 through September 24, 1988.

On January 25, 1990, the Iowa Industrial Commissioner approved an Agreement for Settlement awarding DeGreif healing period benefits from April 23, 1988 through November 27, 1988, in the amount of $10,039.68. DeGreif also received benefits for permanent partial disability in the amount of $12,836.

DeGreif filed a claim for job insurance payments on August 29, 1989. On March 1, 1990, job service determined he was ineligible for job insurance benefits for the period of April 30, 1988 through September 24, 1988, because he received workers' compensation in the form of healing period benefits for that period of time. Job service also determined DeGreif was overpaid $3,806 in job service payments for that period of time.

DeGreif appealed, and an administrative law judge affirmed the March 1, 1990 decision. DeGreif appealed again, and the Employment Appeal Board affirmed. The trial court affirmed the agency action.

DeGreif appeals the trial court's decision, contending the workers' compensation benefits he received compensated him for a permanent disability, and the receipt of such benefits should not disqualify him from unemployment compensation.

Our review of the agency action is at law. See Board of Dental Examiners v. Hufford, 461 N.W.2d 194, 198 (Iowa 1990). The decision of the agency is final if supported by substantial evidence in the record and correct conclusions of law. Heatherly v. Iowa Dep't of Job Serv., 397 N.W.2d 670 (Iowa 1987). Evidence is substantial if a reasonable person would find it adequate to reach a conclusion. See Jeun v. Iowa Dep't of Job Serv., 411 N.W.2d 433, 435 (Iowa App. 1987). The court must broadly and liberally apply the board's findings in order to uphold rather than defeat the board's decision. Aluminum Co. of America v. Employment Appeal Bd., 449 N.W.2d 391, 194 (Iowa 1989).

Iowa Code section 96.5 provides for causes for disqualification. Iowa Code section 96.5(5)(b) states, in part:

> An individual shall be disqualified for benefits:
>
> 5. Other compensation. For any week with respect to which the individual is receiving or has received payment in form of any of the following:

* * *

b. Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

Iowa Code section 85.34(1) (1987) provides, in part:

Healing Period . . . . . the employer shall pay to the employee compensation for a healing period, as provided in section 85.37, beginning on the date of injury, and until the employee has returned to work or it is medically indicated that significant improvement from the injury is not anticipated or until the employee is medically capable of returning to employment substantially similar to the employment in which the employee was engaged at the time of injury, whichever occurs first.

Healing period benefits are for an indefinite period of time, but they are not permanent in nature. Therefore, they are compensation for a temporary disability under section 96.5(5)(b).

The Unemployment Compensation Act was enacted to ease the burden of involuntary unemployment by establishment of reserves for use of persons unemployed through no fault of their own, no common law or contractual relationship is involved, though remedial in character, the Act must be construed in light of those facts peculiar to each given case. Iowa Malleable Iron Co. v. Iowa Employ. Security Comm'n, 195 N.W.2d 714, 716 (Iowa 1972).

DeGreif received healing period benefits which compensated him for the period of time he was involuntarily unemployed. Therefore, we affirm the trial court.

AFFIRMED.