

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MARILYN M BROWNING  
1006 4<sup>TH</sup> ST SW APT 24  
ALTOONA IA 50009-1337

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-04802-SWT  
OC: 04/09/06 R: 03  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 3, 2006, reference 05, that concluded she was overpaid \$425.00 in unemployment insurance benefits for the weeks ending April 15 and 22, 2006, due to the receipt of severance pay. A telephone hearing was held on May 18, 2006. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 9, 2006. The claimant filed for and received \$197.00 for the week ending April 15 and \$228.00 for the week ending April 22, 2006.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits for the six weeks ending May 13, 2006, due to the receipt of

severance pay has been modified in a decision of the administrative law judge in appeal 06A-UI-04801-SWT. In that decision, the claimant was determined to have received \$109.00 in vacation pay for the week ending April 15, 2006, deductible from her unemployment insurance benefits.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since the decision disqualifying the claimant has been modified, the claimant received \$78.00 in unemployment insurance benefits for the week ending April 15, 2006, to which she was not entitled, but she was not overpaid any benefits after that date.

#### DECISION:

The unemployment insurance decision dated May 3, 2006, reference 05, is modified. The claimant was overpaid \$78.00 in unemployment insurance benefits for the week ending April 15, 2006, but not overpaid any benefits after that date.

saw/kkf