

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PATRICIA B HOLDEN**  
Claimant

**APPEAL 19A-UI-06100-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**  
Employer

**OC: 12/30/18  
Claimant: Appellant (1)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

On July 31, 2019, the claimant filed an appeal from the July 31, 2019, (reference 08) unemployment insurance decision that found claimant overpaid unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 26, 2019. Claimant participated. Quality control auditor II, Lisa Stielow, with the Integrity Bureau of Iowa Workforce Development participated on behalf of the agency. Iowa Workforce Development's Exhibits A through D were received.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant's last day of work with her former employer was December 31, 2018. On approximately January 1, 2019, claimant filed a claim for unemployment insurance benefits. The effective date of the claim is December 30, 2018.

The claimant was informed of the unemployment insurance rules, when she established her claim for unemployment insurance benefits and upon receipt of the claimant handbook. The Unemployment Insurance Handbook included instructions for properly filing claims.

With respect to "Reporting Earnings," the handbook states:

Gross earnings or gross wages are your earnings before taxes or other payroll deductions are made. Earnings or wages must be reported on the weekly claim during the week the wages are earned, not when the wages are paid. Earnings must be reported even if you have not yet received the payment. To calculate the amount to report, multiply the number of hours you worked by your hourly wage.

With respect to benefit deductions, the handbook states:

You may earn up to 25 percent of your WBA before the benefit payment is reduced, but there is still a requirement to report all earnings even if under 25 percent. Earnings higher than 25 percent will reduce your benefit payment. If you earn \$15 or more over your WBA, you will not receive a benefit payment for that week.

- Wages
- Holiday pay
- Stand-by pay
- Tips, gratuities, commission and incentive pay
- Strike pay - **only deductible when received for services rendered.**
- Any compensation other than cash (i.e. room and board, cell phone)

Example: Your WBA is \$400 and you earn \$370.

25% of \$400 is \$100. \$100 is not deducted from the WBA.

\$370 - \$100 = \$270. The remaining \$270 is deducted from the WBA.

\$400 - \$270 = \$130.

\$130 is the payment amount for the week.

In June 2019, claimant's claim for unemployment insurance benefits was selected by the United States Department of Labor to be audited by the Integrity Bureau of Iowa Workforce Development. Quality control auditor II Lisa Stielow was assigned to the case. As a part of the audit, Stielow contacted claimant's former and current employer to verify the wages reported by claimant when making her weekly claim for benefits.

Claimant's former employer, the City of Waukee, paid claimant for one day during the one week ending January 5, 2019. Claimant reported the wages earned as \$196.00. Claimant earned an annual salary of \$107,369.00 while employed by the City of Waukee. This amounts to \$51.62 per hour, assuming a 40-hour work week. Therefore, the City of Waukee reported it paid claimant \$412.96 for one eight-hour day during the one week ending January 5, 2019.

While filing the claim, claimant was employed on a part-time basis by the West Des Moines Public Library. The West Des Moines Public Library paid claimant for three days of work during the one week ending March 16, 2019. Claimant reported the wages earned as \$68.00. Claimant mistakenly believed she worked two days during the week in question, but in fact she worked three days that week. The West Des Moines Public Library accurately reported the wages earned as \$119.42.

Claimant's corrected weekly benefit amount is \$467.00. Because the claimant did not accurately report her wages for the two weeks in question, Iowa Workforce Development determined she had been overpaid benefits. The agency established the overpayment based upon the following information:

Week Ending	Wages Reported By		UI Benefits		Overpayment
	Claimant	Employer	Amount Paid	Entitled	
01/05/19	\$196.00	\$412.96	\$387.00 <sup>1</sup>	\$170.00	\$217.00
03/16/19	\$68.00	\$119.42	\$467.00 <sup>2</sup>	\$464.00	\$3.00
					<b>\$220.00</b>

#### REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. 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.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant received benefits to which she was not entitled based on her failure to accurately report wages. Claimant was overpaid unemployment insurance benefits in the amount of \$220.00, pursuant to Iowa Code § 96.3(7) as she was not eligible for these benefits when accurate wages were taken into account.

Claimant may contact Iowa Workforce Development customer service to ask whether there is a balance remaining on her account due to this overpayment decision.

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<sup>1</sup> \$387.00 is the amount that was paid to claimant when taking into consideration the overpayment that was issued and affirmed in Appeal Number 19A-UI-06099-CL-T.

<sup>2</sup> \$467.00 is the amount that was paid to claimant when taking into consideration the overpayment that was issued and affirmed in Appeal Number 19A-UI-06099-CL-T.

**DECISION:**

The July 31, 2019, (reference 08) unemployment insurance decision is affirmed. Claimant was overpaid benefits in the amount of \$220.00 because of incorrectly reporting wages during the one week ending January 5, 2019, and the one week ending March 16, 2019.

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Christine A. Louis  
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Decision Dated and Mailed

cal/scn