

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HALEY A ROHRET
Claimant

APPEAL 20A-UI-12683-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 30, 2020 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$2,886.00 due to her failure to report wages earned from St. Luke's between April 26, 2020 and June 6, 2020. The parties were properly notified of the hearing. A telephone hearing was held on December 11, 2020. The claimant, Haley A. Rohret, participated personally. Julie Gasway participated as a witness on behalf of the claimant. Iowa Workforce Development did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa for the weeks of April 26, 2020 through June 6, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective April 26, 2020. She was working at St. Luke's Methodist Hospital prior to filing for unemployment benefits. She was laid off from work from April 26, 2020 through June 6, 2020. She did not earn any wages, holiday pay, pension pay, vacation pay, or any other type of earnings from any employers during that period of time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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.

Iowa Admin. Code r. 871-24.18 provides:

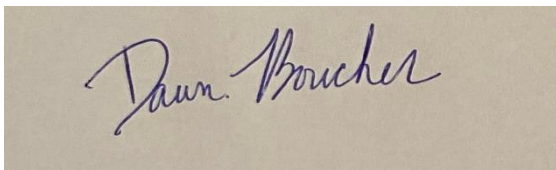
Wage-earnings limitation. An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deductions shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount.

This rule is intended to implement Iowa Code § 96.3, 96.4 and 96.19(38).

In this case, the claimant was totally unemployed from this employer from April 26, 2020 through June 6, 2020. She did not earn any deductible wages, vacation pay, holiday pay or pension pay. As such, she is not overpaid regular unemployment insurance benefits funded by the State of Iowa for the weeks of April 26, 2020 through June 6, 2020 due to any failure to report wages earned with St. Luke's.

DECISION:

The September 30, 2020 (reference 02) unemployment insurance decision is reversed. The claimant was not overpaid regular unemployment insurance benefits of \$2,886.00 for the weeks between April 26, 2020 and June 6, 2020 due to any failure to report wages earned with St. Luke's.



Dawn Boucher
Administrative Law Judge

December 21, 2020
Decision Dated and Mailed

db/mh