

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARLENE R WERNER**  
Claimant

**APPEAL NO. 12A-UI-04904-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/03/11  
Claimant: Appellant (2)**

Section 96.6-3 – Finality of Decisions  
Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Arlene R. Werner filed a timely appeal from an unemployment insurance decision dated April 18, 2012, reference 05, that ruled she had been overpaid unemployment insurance benefits in the amount of \$249.00 for the week ending April 7, 2012, upon a finding that she incorrectly reported vacation pay from McGraw-Hill, Inc. After reviewing all matters of record, the administrative law judge concludes that a formal hearing need not be held. The administrative law judge takes official notice of Agency decision records.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Arlene R. Werner received unemployment insurance benefits for the week ending April 7, 2012. Administrative law judge decision 12A-UI-03277-AT considered the unemployment insurance consequences of vacation pay Ms. Werner received as a result of her separation from employment with McGraw-Hill, Inc. That decision denied benefits to Ms. Werner for the week ending April 18, 2012. Administrative law judge decision 12A-UI-03278-AT considered the unemployment insurance consequences of severance pay received by Ms. Werner in connection with her separation from employment with McGraw-Hill, Inc. It denied unemployment insurance benefits to her for the two weeks ending March 3, 2012. Those decisions have become final.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6-3 provides that an administrative law judge decision becomes final 15 days after issuance unless, within that time, any party in interest has filed an appeal with the Employment Appeal Board. The decisions concerning the unemployment insurance consequences of Ms. Werner's vacation pay and severance pay have become final. The administrative law judge is not free to add or subtract weeks of eligibility. Neither is the Agency.

If the Agency disagreed with the administrative law judge's prior decisions, it should have filed appeals within 15 days of the dates of those decisions.

The fact-finding decision dated April 18, 2012, must be reversed, because the prior administrative law judge decisions had become final.

**DECISION:**

The unemployment insurance decision dated April 18, 2012, reference 05, is reversed. The claimant has not been overpaid for the week ending April 7, 2012.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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