

**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**

**SANDRA K BLESSING
2052 DES MOINES ST
DES MOINES IA 50317-5262**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-04631-JTT
OC: 03/05/06 R: 02
Claimant: Appellant (1)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Claimant Sandra Blessing filed a timely appeal from the April 24, 2006, reference 01, decision that concluded she had been overpaid unemployment insurance benefits in the amount of \$291.00 for the benefit week that ended March 25, 2006. After due notice was issued, a hearing was held on May 16, 2006. Ms. Blessing participated in the hearing and presented additional testimony from Iowa Workforce Development Advisor Jack Ecker. The administrative law judge took official notice of the Agency's administrative records pertaining to the claim for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sandra Blessing established a claim for benefits that was effective March 5, 2006. Ms. Blessing's

weekly benefit amount was set at \$291.00. During the benefit week that ended March 11, Ms. Blessing erroneously reported vacation pay totaling \$372.00. Since the amount of wages in lieu of vacation exceeded Ms. Blessing's weekly benefit amount, the Agency *initially* did not issue any benefits to Ms. Blessing for the week in question. During the benefit week that ended March 25, 2006, Ms. Blessing erroneously failed to report wages totaling \$565.00. The Agency had issued \$291.00 in benefits to Ms. Blessing for the week in question. On April 6, Ms. Blessing went to her local Workforce Development Center and spoke with Workforce Advisor Jack Ecker about errors she believed she had made in reporting wages. Mr. Ecker entered an adjustment to address the erroneously reported vacation wages from the week ending March 11. Mr. Ecker also entered an adjustment to address the erroneously unreported wages from the week ending March 25. The first adjustment resulted in a \$291.00 credit. The second adjustment resulted in \$291.00 credit being offset against the \$291.00 overpayment. Though Ms. Blessing was in fact overpaid benefits during the week that ended March 25, 2006, the offset entered on April 25, resolved the overpayment.

REASONING AND CONCLUSIONS OF LAW:

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.

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 section 96.8, subsection 5.

The evidence in the record establishes that Ms. Blessing was in fact overpaid \$291.00 in benefits for the benefit week that ended March 25. The evidence indicates that Ms. Blessing was underpaid \$291.00 for the benefit week that ended March 11. The evidence indicates that the overpayment and underpayment cancelled each other out. In other words, though Ms. Blessing was overpaid during the week of March 25, she has paid back the overpayment amount by means of the offset. At this point, Ms. Bless has no outstanding overpayment.

DECISION:

The April 24, 2006, reference 01, decision is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$291.00 for the benefit week that ended March 25, 2006. However, the claimant has repaid to the Agency the overpayment amount through an offset entered April 25, 2005. At this point, the claimant owes the Agency nothing.

jt/pjs