

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAY A LINDENMAYER
Claimant

APPEAL 19A-UI-00813-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/23/18
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Jay A. Lindenmayer (claimant) filed a timely appeal from the January 25, 2019, reference 03, unemployment insurance decision that concluded he was overpaid \$398.00 in unemployment insurance benefits. After due notice was issued, a telephone conference hearing was held on February 13, 2019 and consolidated with the hearings for appeals 19A-UI-00811-SC-T and 19A-UI-00812-SC-T. The claimant participated personally. Monsanto Iowa Production Co., LLC (employer) did not respond to the hearing notice and did not participate.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed his claim for benefits effective December 23, 2018 following a temporary layoff from the employer and his weekly benefit amount (WBA) is \$467.00. The claimant earns \$17.00 an hour and received eight hours of holiday pay during the week ending December 29 for a total of \$136.00 in gross wages. The administrative law judge modified the unemployment insurance decision allowing reduced benefits in appeal 19A-UI-00811-SC-T and determined the claimant was entitled to \$448.00 in unemployment insurance benefits for the week ending December 29. He filed for and received \$467.00 in unemployment insurance benefits for that week.

During the week of January 5, 2019, the claimant worked 24 hours and received eight hours of holiday pay. He earned a total of \$544.00 in wages including time worked and holiday pay. The administrative law judge reversed the unemployment insurance decision allowing benefits in appeal 19A-UI-00812-SC-T based on the determination the claimant was not eligible for unemployment insurance benefits for the week ending January 5. The claimant filed for and received a total of \$183.00 in unemployment insurance benefits that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits, which must be repaid.

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.

During the week ending December 29, the claimant received \$19.00 in unemployment insurance benefits in excess of the amount to which he was entitled. During the week ending January 5, the claimant was not entitled to unemployment insurance benefits and received \$183.00 in benefits. Therefore, the claimant has been overpaid \$202.00 in unemployment insurance benefits, which must be repaid.

DECISION:

The unemployment insurance decision dated January 25, 2019, reference 03, is modified in favor of the appellant. The claimant was overpaid \$202.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn