

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA A HEUBERGER
Claimant

APPEAL NO: 09A-UI-09975-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/08/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Rebecca A. Heuberger (claimant) appealed a representative's June 25, 2009 decision (reference 04) that concluded she had been overpaid \$250.00 in benefits for the week ending April 25, 2009, because \$250.00 in vacation pay must be attributed to this week. The overpayment is based on a representative's June 23, 2009 decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 29, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid \$250.00 in benefits for the week ending April 25, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 8, 2009. Her maximum weekly benefit amount is \$356.00. When the claimant filed a claim for the week ending April 25, 2009, she did not report receiving any vacation pay for this week. The claimant received her maximum weekly benefit amount for this week.

The claimant appealed the representative's June 23, 2009 (reference 03) that determined what weeks the claimant's vacation pay should be attributed to. This decision has been affirmed. See decision for appeal 09A-UI-09974-DWT.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code section 96.3-7. Based on the decision for appeal 09A-UI-09974-DWT, the claimant has been overpaid \$250.00 in benefits for the week ending April 25 because the claimant's former employer designated that \$250.00 of her vacation pay was attributed to April 20 and 21, 2009.

Prior to the hearing, the Department has already recouped the \$250.00 overpayment by offsetting this amount from benefits the claimant was legally entitled to receive after April 25. As of the date of the hearing the claimant does not owe the Department any money.

DECISION:

The representative's June 25, 2009 decision (reference 04) is affirmed. The claimant was overpaid \$250.00 in benefits for the week ending April 25 because her former employer designated that this amount was attributable to April 20 and 21. This overpayment has already been recouped by the Department. As of the date of the hearing, the claimant does not owe the Department any money.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs