

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

WILLIAM G WILKERSON  
PO BOX 117  
RIVERSIDE IA 52327

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-01064-CT  
OC: 11/23/03 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

William Wilkerson filed an appeal from a representative's decision dated January 22, 2004, reference 01, which held he had been overpaid job insurance benefits. After due notice was issued, a hearing was held by telephone on February 23, 2004. Mr. Wilkerson participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Wilkerson filed a claim for job insurance benefits effective November 23, 2003 because of a temporary layoff from Rockwell Collins. He received

holiday pay in the amount of \$200.00 for the Thanksgiving holiday but did not report this pay when he called in his claim for the week ending November 29. He was paid \$253.00 in job insurance benefits for the week. The actual amount he received was less because he has taxes withheld.

Mr. Wilkerson returned to work on December 1 and has been working full time since that point. Claims were filed for the weeks ending December 6 and December 13 and \$200.00 in earnings were reported for each week. Mr. Wilkerson had actual earnings of \$350.00 for each of the two weeks. An un-cashed warrant in the amount of \$197.20 has been applied to the assessed overpayment.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Wilkerson has been overpaid job insurance benefits. Because he did not report any earnings for the week ending November 29, he received his full weekly benefit amount of \$253.00. However, because he had \$200.00 in earnings, he was only entitled to receive \$116.00, resulting in an overpayment of \$137.00 for the week ending November 29.

Workforce Development took steps to pay Mr. Wilkerson for the two weeks ending December 13. The warrant which would have been sent to him was retained and applied against the outstanding overpayment. However, monies deducted for taxes have already been disbursed to the taxing agencies and cannot be recovered by Workforce Development. Because these taxes in the amount of \$34.80 were paid on Mr. Wilkerson's behalf, they constitute an overpayment to him. Therefore, his total overpayment is \$171.80.

#### DECISION:

The representative's decision dated January 22, 2004, reference 01, is hereby affirmed. Mr. Wilkerson has been overpaid the net amount of \$171.80 in job insurance benefits.

cfc/b