

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANA L. CAVANAUGH
Claimant

APPEAL 22A-UI-04379-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/28/21
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.1A(37)a & b – Total and Partial Unemployment
Iowa Code § 96.5(5)-Compensation

STATEMENT OF THE CASE:

On February 10, 2022, the claimant/appellant filed an appeal from the February 3, 2022, (reference 02) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$182.00 as a result of a disqualification decision. The appellant was properly notified of the hearing. A telephone hearing was scheduled to be held on April 6, 2022, however, due to the hearing notice the hearing was rescheduled so the proper issues could be put on the notice and the employer could be added to the hearing. As a result the hearing was rescheduled and held on April 22, 2022. The claimant participated. The employer participated through Executive Assistant, Tyler Haverland. Ms. Williamson was present as an observer. Administrative notice was taken of the claimant's unemployment insurance benefits records. Exhibits A, B, and D-1 were admitted into the record.

ISSUES:

Is claimant totally, partially or temporarily unemployed?

Did the claimant correctly report wages earned?

Was the claimant was overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed an initial claim for unemployment insurance benefits effective March 28, 2021. Claimant filed an additional claim on October 10, 2021, after the office she was working at closed down. Claimant's weekly benefit amount is \$206.00.

Claimant began employment with American Health Connection Inc. on January 7, 2022. Claimant earns \$15.00 per hour as a Patient Communication Specialist. For the week ending January 8, 2022, claimant reported that she earned \$75.00 in wages. Claimant worked 5 hours for the week. Claimant was paid \$182.00 in partial benefits. On January 27, 2022, Iowa Workforce Development (IWD) sent out a verification of earnings to the employer for claimant. On February 2, 2022, the employer mistakenly reported claimant worked 37 hours and earned \$555.00 for the week ending January 8, 2022. (Exhibit D-1). On February 7, 2022, the employer submitted a corrected wage verification to Iowa Workforce Development that corrected claimant's earnings. On February 7, 2022, the employer reported claimant worked 5 hours and earned \$75.00.

IWD issued an overpayment decision based on the February 2, 2022 wage record submitted by the employer. IWD found claimant was overpaid \$182.00 in unemployment benefits for the week of January 2, 2022 through January 8, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(3) provides:

3. Partial unemployment. An individual who is partially unemployed in any week as defined in section 96.1A, subsection 38, paragraph "b", and who meets the conditions of eligibility for benefits shall be paid with respect to that week an amount equal to the individual's weekly benefit amount less that part of wages payable to the individual with respect to that week in excess of one-fourth of the individual's weekly benefit amount. The benefits shall be rounded to the lower multiple of one dollar.

Iowa Code section 96.3.(7) states:

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.

Iowa Admin. Code r. 871-24.18 provides:

Wage-earnings limitation. **An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings.** If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deduction shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount. (Emphasis added).

Claimant began working for employer on Friday, January 7, 2022. Claimant worked 5 hours and earned \$75.00 in wages that week. Claimant's weekly benefit amount is \$206.00. Since claimant did not earn over \$206.00 plus \$15.00 she is considered partially unemployed and entitled to a partial benefit payment of \$182.00, according to the following calculation:

$\$75.00$ (wages) - $\$51.00$ (25% of WBA) = $\$24.00$ (wage deduction)

$\$206.00$ (WBA) - $\$24.00$ (wage deduction) = $\$182.00$ (partial weekly benefit amount)

Accordingly, claimant has not been overpaid state unemployment benefits and she is not required to repay them.

DECISION:

The February 3, 2022 (reference 02) unemployment insurance decision is REVERSED. Claimant has not been overpaid regular unemployment insurance benefits in the gross amount of \$182.00 for the one-week period between January 2, 2022 and January 8, 2022.



Carly Smith
Administrative Law Judge

April 28, 2022
Decision Dated and Mailed

cs/mh