

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JODY G PALS
Claimant

APPEAL 20A-UI-03519-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

On April 17, 2020, the claimant/appellant, Jody Pals, filed an appeal from the April 14, 2020 (reference 01) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits because she failed to accurately report earnings during the one week ending March 28, 2020. The parties were properly notified of the hearing. A telephone hearing was held on June 2, 2020. The claimant participated personally and through her husband, Bart Pals. Department Exhibit 1 was entered on behalf of Iowa Workforce Development (IWD).

ISSUE:

Did IWD correctly determine that the claimant was overpaid unemployment insurance benefits, and was the overpayment amount correctly calculated?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of March 22, 2020.

Claimant worked for Bart Pals Construction prior to filing her claim for unemployment insurance benefits. Bart Pals, the owner of employer, participated in the hearing.

When claimant filed her weekly claim for unemployment insurance benefits for the one week ending March 28, 2020, claimant marked that she did not earn any wages that week and did not receive any vacation or holiday pay. Claimant received a benefit payment in the amount of \$106.00 for that week.

On April 1, 2020, a workforce representative completed paperwork stating that claimant earned \$600 for the one week ending March 28, 2020, and indicated the information was received by telephone. Claimant and employer's owner, Bart Pals, deny ever having such a telephone call to IWD.

According to employer, Bart Pals Construction, claimant did not earn any wages or receive any other type of pay during the one week ending March 28, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes IWD did not correctly establish and calculate the claimant's overpayment of benefits.

Iowa Code section 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.

Here, claimant did not earn any wages or collect any holiday or vacation pay for the one week ending March 28, 2020. Therefore, no deductions should have been made from claimant's weekly benefit. Claimant was otherwise eligible for benefits. Claimant was entitled to the \$106.00 weekly benefit payment she received for the one week ending March 28, 2020.

DECISION:

The April 14, 2020 (reference 01) unemployment insurance decision is reversed. The claimant was not overpaid benefits in the amount of \$106.00 for the one week ending March 28, 2020.



Christine A. Louis
Administrative Law Judge
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June 12, 2020
Decision Dated and Mailed

cal/mh