

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<p><b>PHILLIS A SEALS</b> Claimant</p> <p><b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b></p>	<p style="text-align: right;">68-0157 (9-06) - 3091078 - EI</p> <p><b>APPEAL NO: 15A-UI-01180-DT</b></p> <p><b>ADMINISTRATIVE LAW JUDGE DECISION</b></p> <p style="text-align: right;"><b>OC: 11/23/14</b> <b>Claimant: Appellant (2)</b></p>
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Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Phillis A. Seals (claimant) appealed a representative's January 22, 2015 decision (reference 05) that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 24, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-01179-DT. 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 reversing the representative's decision.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

A representative issued a decision dated January 22, 2015 (reference 04) that concluded the claimant was disqualified from receiving benefits for a period of time due to the receipt of severance pay from Luther Care Services / Homes for the Aging (employer). The claimant timely appealed that decision and in the concurrently issued decision in appeal 15A-UI-01179-DT, that decision has been reversed.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is overpaid benefits of \$769.00.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits because of the receipt of severance pay. The disqualification from that decision has been reversed in the concurrently issued decision in 15A-UI-01179-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

**DECISION:**

The representative's January 22, 2015 decision (reference 05) is reversed. The claimant is not overpaid benefits.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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