

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER JELLISON
Claimant

APPEAL NO: 06A-UI-08449-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MERCY MEDICAL CENTER
CENTERVILLE**
Employer

**OC: 10/16/06 R: 03
Claimant: Appellant (1)**

Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The claimant, Jennifer Jellison, filed an appeal from a decision dated August 22, 2006, reference 10. The decision found the claimant overpaid \$104.00 in unemployment benefits due to the receipt of vacation pay. After due notice was issued a hearing was held by telephone conference call on September 7, 2006. The claimant participated on her own behalf. The employer, Mercy Medical Center, participated by Human Resources Manager Tonya Clawson.

ISSUE:

The issue is whether the claimant is overpaid in unemployment benefits.

FINDINGS OF FACT:

Jennifer Jellison was employed by Mercy Medical Center from May 16 until July 13, 2006. She was a full-time insurance clerk working Monday through Friday and earning \$9.69 per hour.

The claimant was separated from the employment on Thursday, July 13, 2006, and received her accumulated vacation pay in the amount of \$181.69, for 18.75 hours.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$104.00 pursuant to Iowa Code § 96.3(7) as the claimant did not correctly report vacation pay for the week ending July 22, 2006. The representative's decision calculation is correct.

DECISION:

The representative's decision of August 22, 2006, reference 10, is affirmed. Jennifer Jellison is overpaid \$104.00 for the week ending July 22, 2006.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/cs