

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DORIS E SMITH**

Claimant

**APPEAL 22A-UI-05395-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WALMART ASSOCIATES**

Employer

**OC: 03/14/21**

**Claimant: Appellant (1)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.18 – Wage-earnings Limitation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the February 18, 2022 (reference 01) unemployment insurance decision that found claimant was overpaid unemployment insurance (UI) benefits. The parties were properly notified of the hearing. A telephone hearing was held on April 11, 2022. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant was overpaid benefits.  
Whether wages were correctly deducted.  
Whether claimant correctly reported wages earned.  
Whether claimant is eligible for benefits based on the wages earned.

**FINDINGS OF FACT:**

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

Claimant filed an initial claim for benefits effective March 14, 2021. Claimant's weekly benefit amount is \$512.00.

Claimant filed an ongoing weekly claim for the benefit week between April 4, 2021 and April 10, 2021. Claimant reported gross wages earned of \$392.00. Claimant received UI benefits in the gross amount of \$248.00 for the benefit week ending April 10, 2021.

Claimant began her employment with Walmart on April 6, 2021. Between April 6, 2021 and April 10, 2021, claimant worked 28.39 hours and earned gross wages of \$556.43.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

The week ending April 10, 2021, claimant earned gross wages of \$556.00, which is more than her weekly benefit amount (\$512.00) plus \$15.00. Claimant is disqualified from receiving UI benefits for the week ending April 10, 2021 due to excessive earnings. Therefore, claimant received UI benefits to which she was not entitled. The administrative law judge concludes that claimant has been overpaid UI in the gross amount of \$248.00 for the week ending April 10, 2021. Claimant is required to repay those benefits.

**DECISION:**

The February 18, 2022 (reference 01) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the gross amount of \$248.00 for the benefit week ending April 10, 2021, which must be repaid.



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April 14, 2022  
Decision Dated and Mailed

acw/ACW