

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ROBERT VORWALD**  
Claimant

**NEW HAMPTON COMMUNITY SCHOOL**  
Employer

**APPEAL 22A-UI-07085-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Code § 96.19(38) – Total, Partial, Temporary Unemployment  
Iowa Code § 96.5(5) – Other Compensation

**STATEMENT OF THE CASE:**

Robert Vorwald, the claimant/appellant, filed an appeal from the March 15, 2022, (reference 02) unemployment insurance (UI) decision that concluded he was overpaid REGULAR (state) UI benefits in the gross amount of \$702.00 because he did not report, or incorrectly reported wages earned with this employer. The parties were properly notified about the hearing. A telephone hearing was held on May 5, 2022. Mr. Vorwald participated personally. The employer participated through Christy Roethler, business manager. The administrative law judge took official notice of the administrative record. Department's Exhibit 1 was admitted as evidence.

**ISSUES:**

Did Mr. Vorwald correctly report wages earned?  
Has Mr. Vorwald been overpaid REGULAR (state) UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Vorwald began working for the employer in 2004. He works as a part-time track coach on contract. Mr. Vorwald signed a contract in May 2019 to work during the 2019-2020 school year. Per the contract, the employer was obligated to pay Mr. Vorwald at the end of April 2020, and at the end of the track season in the total gross (before taxes are taken out) amount of \$2,432.00 (two payments of \$1,216.00). The employer closed in March 2020 because of the COVID-19 pandemic. Mr. Vorwald did not know if the employer would pay him, so he filed an initial UI claim.

In relevant, Mr. Vorwald filed weekly claims for six weeks between March 29, 2020 and May 9, 2020. Mr. Vorwald reported weekly wages of \$0.00 for the five weeks of March 29 through April 4, April 5-11, April 12-18, April 19-25, and May 3-9, and \$54.00 for the week of April 26 through May 2. Based on the wages he reported, IWD paid Mr. Vorwald REGULAR (state) UI benefits in the gross amount of \$121.00 each week for the five weeks of March 29 through

April 4, April 5-11, April 12-18, April 19-25, and May 3-9, and \$97.00 for the week of April 26 through May 2. The employer paid Mr. Vorwald \$1,216 on April 25, and \$1,216.00 on May 22.

IWD conducted an audit of Mr. Vorwald's wages and asked the employer to report Mr. Vorwald's weekly gross wages to IWD. The employer reported Mr. Vorwald earned wages in the gross amount of \$405.00 each week (\$2,432.00 divided by six weeks) for the six weeks from March 29 through May 9. Mr. Vorwald agrees with the employer's reported wages.

## **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.5(5) provides, in pertinent part:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

5. Other compensation.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

(1) Wages in lieu of notice, separation allowance, severance pay, or dismissal pay.

(2) Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

(3) A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment made under a plan maintained or contributed to by a base period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, this subparagraph shall only be applicable if the base period employer has made one hundred percent of the contribution to the plan.

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraph "a", subparagraph (1), (2), or (3), were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer's account shall be charged with benefits so paid. However, compensation for service-connected disabilities or compensation for accrued leave based on military service by the beneficiary with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual otherwise qualified from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

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.

b. (1) (a) 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.

Mr. Vorwald incorrectly reported his wages for the six weeks from March 29, 2020 through May 9, 2020. Based on his correct wages, Mr. Vorwald was entitled to REGULAR (state) UI benefits in the gross amount of \$0.00 for all six weeks. For those six weeks, Mr. Vorwald received REGULAR (state) UI benefits in the total gross amount of \$702.00 ( $(\$121.00 * 5) + \$97.00$ ).

Since Mr. Vorwald incorrectly reported his wages for six weeks and received REGULAR (state) UI benefits in the total gross amount of \$702.00 for those weeks, but he was entitled to \$0.00 in benefits for those weeks, he has been overpaid REGULAR (state) benefits in the gross amount of \$702.00 ( $\$702.00 - \$0.00$ ).

**DECISION:**

The March 15, 2022 (reference 02) decision is AFFIRMED. Mr. Vorwald has been overpaid REGULAR (state) UI benefits in the gross amount of \$702.00, which must be repaid.



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Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

May 19, 2022  
Decision Dated and Mailed

dz/scn

**NOTE TO MR. VORWALD:**

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
  - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>
  - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
  - Go to the last two sentences in that section.
  - The PUA application link is at the end of the second-to-last sentence of the section.
  - The reference number/authorization number is the pin number you used for the appeal hearing: 107085.
- **If IWD finds you eligible for federal PUA benefits, you can use the PUA benefits to pay off the REGULAR (state) UI overpayment.**
- **If you do not apply for and are not approved for PUA, you are required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**
- To check on your PUA application contact IWD online, via email, or by phone.
  - Online: Go to [www.iowaworkforce.gov](http://www.iowaworkforce.gov), click on "Contact Us" then click on "Unemployment Help Request" and complete the form.
  - Email: [uiclaimshelp@iwd.iowa.gov](mailto:uiclaimshelp@iwd.iowa.gov)
  - Phone: 1-866-239-0843