

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN K MEREDITH
Claimant

APPEAL 19A-UI-01316-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/30/18
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 1, 2019, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$467.00 as a result of a disqualification decision. The claimant was properly notified of the hearing. A telephone hearing was held on March 14, 2019. The claimant participated and testified.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of December 30, 2018. The claimant filed for and received a total of \$467.00 in unemployment insurance benefits for the week ending January 19, 2019.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits, found he was ineligible to receive benefits for the three-week period ending January 19, 2019 due to the receipt of vacation and/or severance pay. That decision has been affirmed in a decision of the administrative law judge in appeal 19A-UI-01315-NM-T. Claimant's was paid \$2,597.96 in PTO for 53.5 hours of accumulated time at a rate of \$48.56 per hour. Claimant also received eight weeks, or 320 hours, of severance pay at that same hourly rate, equaling \$1,942.40 per week for a total of \$15,539.20, far exceeding claimant's weekly benefit amount.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code § 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$467.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 1, 2019 (reference 04), is affirmed. The claimant was overpaid \$467.00 in unemployment insurance benefits, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs