

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KYLE D STEPHENSON
Claimant

APPEAL NO. 20A-UI-03547-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED PARCEL SERVICE
Employer

OC: 03/29/20
Claimant: Appellant (2R)

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

STATEMENT OF THE CASE:

Kyle Stephenson (claimant/appellant) appealed the April 27, 2020, (reference 01) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$378.00 for the one-week period ending April 4, 2020 due to incorrectly reporting wages.

A telephone hearing was held on May 19, 2020, pursuant to due notice. Claimant participated personally. United Parcel Service (employer/respondent) did not register a number for the hearing and did not participate.

Claimant's Exhibits 1-3 were admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

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

Claimant applied for and received benefits in the amount of \$378.00 for a total of six weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending May 9, 2020. The total amount of benefits paid to date is \$2,268.00.

Employer incorrectly coded claimant in its payroll system, and he was paid \$427.90 for the week ending April 4, 2020 and \$534.87 for the week ending April 11, 2020. Those payments have since been adjusted in the payroll system, and those amounts are now indicated as being owed. See Claimant's Exhibits. Claimant has not yet repaid those amounts to employer but intends to do so by offsetting the amounts with accrued vacation and sick leave.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the April 27, 2020, (reference 01) decision is REVERSED. The administrative law judge finds claimant was not overpaid unemployment insurance benefits in the amount of \$378.00 for the one-week period ending April 4, 2020 due to incorrectly reporting wages earned.

Employer erroneously paid claimant for the weeks ending April 4 and April 11, 2020. That error has since been corrected, and employer expects claimant to return this pay.

Iowa Admin. Code r. 871-23.3(1) provides:

(1) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Wages also means wages in lieu of notice, separation allowance, severance pay, or dismissal pay. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rule 23.2(96).

The administrative law judge finds claimant did not earn wages for these weeks as contemplated by applicable law. As such, claimant has not been overpaid benefits due to incorrectly reporting wages. However, the administrative law judge cautions claimant to promptly return the pay employer erroneously paid to him for the weeks in question. Failure to do so may result in a future finding of overpayment of benefits.

DECISION:

The April 27, 2020, (reference 01) decision is REVERSED. The administrative law judge finds claimant was not overpaid unemployment insurance benefits in the amount of \$378.00 for the one-week period ending April 4, 2020 due to incorrectly reporting wages earned.

REMAND:

Claimant indicated during the hearing that he was on an unpaid leave of absence from the benefit week ending April 4, 2020, and continuing through benefit week ending May 9, 2020. The issue of claimant's ability to and availability for work during the period in question is therefore REMANDED to the Benefits Bureau of IWD for a fact-finding interview and decision.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

May 21, 2020
Decision Dated and Mailed

abd/scn