

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE K WEILER
Claimant

APPEAL NO: 10A-UI-11136-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/23/10
Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Julie K. Weiler (claimant) appealed a representative's August 2, 2010 decision (reference 05) that concluded she had been overpaid unemployment insurance benefits because of the receipt of vacation pay. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 21, 2010. This appeal was consolidated for hearing with one related appeal, 10A-UI-11135-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated August 2, 2010 (reference 04) that concluded the claimant was disqualified from receiving benefits for the week ending May 29, 2010, due to the receipt of vacation pay from A. Y. McDonald Manufacturing Company. The claimant timely appealed that decision and in the concurrently issued decision in appeal 10A-UI-11135-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the August 2, 2010 (reference 04) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$413.00.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits for which she subsequently was deemed ineligible in the

representative's decision issued on August 2, 2010. The disqualification from that decision has been reversed in the concurrently issued decision in 10A-UI-11135-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

DECISION:

The representative's August 2, 2010 decision (reference 05) is reversed. The claimant is not overpaid benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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