

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN K GERKEN
Claimant

APPEAL NO: 14A-UI-10289-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/02/14
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Overpayment of Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 25, 2014 determination (reference 03) that held him overpaid \$766 in benefits he received for the weeks ending March 8 and 15, 2014. The overpayment occurred as the result of reference 02 that held him ineligible to receive benefits for the week ending March 8, 2014. The claimant participated at the October 23 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant has been overpaid \$766 for the weeks ending March 8 and 15, 2015, but that overpayment has been reduced to \$332 for reasons explained in this decision.

ISSUE:

Has the claimant been overpaid benefits he received for the weeks ending March 8 and 15, 2014?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 2, 2014. His maximum weekly benefit amount is \$434. He filed claims for the weeks ending March 8 and 15, 2014. He received his maximum weekly benefit for both weeks. After the claimant received his PTO payment, he reported he received this payment during the week ending April 5. The claimant did not receive any benefits for this week. Later, the Department concluded the claimant was legally entitled to receive benefits for the week ending April 5 because his PTO payment was attributed to earlier weeks.

The claimant appealed reference 02 that held him ineligible to receive benefits for the week ending March 8 because of the PTO payment that was attributed to this week. Based on the decision for appeal 14A-UI-10288, reference 02 has been affirmed.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). Based on the decision for 14A-UI-10288, the claimant was overpaid \$766 in benefits he received for the weeks ending March 8 and 15. See table below.

Week ending	Benefits Received	Entitled to Receive
March 8, 2014	\$434	0 – because his PTO payment exceeded \$434
March 15	\$434	\$102 – because received \$332 PTO payment
April 5, 2014	0	\$434 because the PTO payment is attributed to the weeks ending March 8 and 15

The claimant was determined overpaid \$766 in benefits, (\$434 for the week ending March 8 and \$332 for the week ending March 15.) The Department considered the claimant underpaid \$434 for the week ending April 5 because he was legally entitled to receive benefits for this week. Instead of paying the claimant benefits for this week, \$434 was used to offset the \$766 overpayment. This means as of the date of this decision the claimant owes the Department \$332, not \$766.

DECISION:

The representative's September 25, 2014 determination (reference 03) is affirmed. The claimant has been overpaid \$766 in benefits he received for the weeks ending March 8 and 15, 2014. Since the claimant was legally entitled to receive benefits for the week ending April 5, the benefits he was legally entitled to receive for this week were used to offset the \$766 overpayment. As of the date of this decision, the claimant owes the Department \$332, not \$766.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs