

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHEL A FELL
Claimant

APPEAL NO: 14A-UI-10302-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/29/14

Claimant: Appellant (1)

Section 96.3-7 - Recovery of Overpayment of Benefits
Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Rachel A. Fell (claimant) appealed a representative's September 25, 2014 decision (reference 02) that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 27, 2014. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 14A-UI-10301-DT. 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 affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant overpaid unemployment insurance benefits of \$222.00 as a result of the receipt of vacation pay?

FINDINGS OF FACT:

A representative issued a decision dated September 25, 2014 (reference 01) that concluded the claimant was disqualified from receiving benefits for the one-week period ending July 5, 2014 as a result of receiving or entitlement to receive vacation pay from Prosource Technologies, L.L.C. (employer) attributable to that period. The overpayment decision was issued in this case as a result of that allocation decision. As determined in the concurrently issued decision in appeal 14A-UI-10301-DT, that vacation pay allocation decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective June 29, 2014. The claimant received unemployment insurance benefits for the week ending July 5, 2014 in the amount of \$222.00.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits. 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, pursuant to due to the disqualification decision issued on September 25, 2014 which has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$222.00. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's September 25, 2014 decision (reference 02) is affirmed. The claimant is overpaid benefits of \$222.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs