

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARAH ADAMS**

Claimant

**APPEAL NO: 10A-UI-06580-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRINITY REGIONAL MEDICAL CENTER**

Employer

**OC: 03/14/10**

**Claimant: Respondent (5)**

Section 96.19(38)(b)(1) – Partial Benefits  
Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The employer responded to a representative's April 27, 2010 decision (reference 01) that held the claimant eligible to receive benefits because she was working some reduced hours. In the employer's appeal letter, the employer specifically stated the employer was not appealing the claimant's eligibility to receive benefits. Instead, the employer appealed to make sure the claimant properly reported her weekly wages. Prior to the hearing, the parties agreed the issues for the hearing would be whether the claimant correctly reported her wages and if she had been overpaid any benefits. (These were not the issues noted on the hearing notice.)

A telephone hearing was held on June 22, 2010. The claimant participated in the hearing. Ted Vaughn, the human resource director, and Jen Corell appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant correctly report her wages for the weeks ending March 20, 27 and April 10, 2010?

Has the claimant been overpaid benefits she received for the weeks ending March 20, 27 and April 10, 2010?

**FINDINGS OF FACT:**

The claimant established a new benefit year during the week of March 21, 2010. Her maximum weekly benefit amount for this benefit year is \$388.

The claimant filed claims for partial benefits for the weeks ending March 20, 27 and April 10, 2010. After the claimant established a subsequent benefit year, she had to enter her gross wages for these weeks more than once. The claimant had problems entering her wages for the week ending March 27, 2010. The claimant believed she reported she had earned \$400 for this

week, but the records indicate she reported gross wages or her gross wages was recorded as \$97. The records indicate the claimant reported the following wages:

Week ending	Wages Reported	Benefits Received
March 20, 2010	\$243	\$242
March 27, 2010	\$ 97	\$388
April 10, 2010	\$234	\$251

The employer's records indicate the claimant earned the following wages:

Week ending	Wages Earned
March 20, 2010	\$368.91
March 27, 2010	\$483.03
April 10, 2010	\$477.46

#### **REASONING AND CONCLUSIONS OF LAW:**

An individual who is partially unemployed may receive unemployment insurance benefits if she is working less than her normal full-time week for an employer and is earning less than her weekly benefit amount plus fifteen dollars. Iowa Code section 96.19(38)(b)(1). The claimant can earn up to \$403 a week and still receive some amount of unemployment benefits. If a claimant earns less than the weekly benefit amount plus \$15, benefits are calculated as follows: weekly benefit amount minus the claimant's wages in the week that exceed 25% of the maximum weekly benefit amount. 871 IAC 24.18.

The claimant is not eligible to receive any benefits for the weeks ending March 27 and April 10 because she earned more than \$403. The claimant is eligible to receive partial benefits of \$116.00 for the week ending March 20, 2010.

If an individual receives benefits she 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 section 96.3-7. The claimant has been overpaid a total of \$765 in benefits for the weeks ending March 20, 27 and April 10, 2010.

If the employer has concerns about the wages the claimant reported prior to March 21, 2010, the employer should contact the local Workforce office and ask the local representative to investigate any concerns that may have occurred in an earlier benefit year.

#### **DECISION:**

The representative's April 27, 2010 decision (reference 01) is modified. The claimant is eligible to receive benefits when she works a reduced workweek and earns less than \$403. The claimant did not accurately report wages she earned for the weeks ending March 20, 27 and April 10, 2010. The claimant is not eligible to receive any benefits for the weeks ending

March 27 and April 10 because she earned more than \$403 in wages. The claimant is eligible to receive \$116 in benefits for the week ending March 20, 2010. The claimant has been overpaid and must repay a total of \$765 for benefits she received for the weeks ending March 20, 27 and April 10, 2010.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs