

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE KIROFF
Claimant

APPEAL NO: 15A-UI-07407-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/24/15
Claimant: Appellant (4/R)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Jamie Kiroff (claimant) appealed a representative's June 29, 2015 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 August 7, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-07406-LDT. 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 June 24, 2015 (reference 01) that concluded the claimant was disqualified from receiving benefits because she was employed under her same hours and wages. The claimant timely appealed that decision and in the concurrently issued decision in appeal 15A-UI-07406-LDT, that decision has been substantially modified, allowing partial benefits for the period between May 24 and June 13, 2015.

For the benefit week ending May 30, the claimant reported earning wages of \$296.00 and received no unemployment insurance benefits. For the benefit week ending June 6, the claimant reported earning wages of \$148.00 and received benefits in the amount of \$58.00. For the benefit week ending June 13 the claimant reported earning wages of \$74.00 and received benefits in the amount of \$132.00.

Most of the overpayment was as a result of the June 24, 2015 (reference 01) disqualification decision. However, also included in the \$355.00 were benefits received for the week ending June 20, 2015 in the amount of \$165.00, which was post-discharge and would still remain overpaid due to the representative's decision issued on July 14, 2014 (reference 03).

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$355.00.

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 June 24, 2015. The disqualification from that decision has been substantially modified in the concurrently issued decision in 15A-UI-07406-LDT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits in the amount of \$355.00.

The matter is remanded to the Benefits Bureau for a recalculation of the amount of the overpayment. The recalculation shall determine whether the correct amount of wage was reported for the benefit weeks ending May 30, June 6, and June 13 in determining the correct amount of partial eligibility for the week in question and any resulting overpayment beyond the \$165.00 for the week ending June 20.

DECISION:

The representative's June 29, 2015 decision (reference 02) is modified in favor of the claimant. The claimant is not automatically overpaid all benefits she was paid for the period between May 24 and June 13. The matter is remanded to the Benefits Bureau for a recalculation and redetermination of the overpayment, which will include still at least the benefits paid for the week ending June 20 in the amount of \$165.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css