

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

SUSANNA MURRAY
Claimant

APPEAL 22A-UI-10366-DS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DANCESPORT OF IOWA INC
Employer

OC: 03/22/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

On April 24, 2022, the claimant filed an appeal from the unemployment insurance decision dated April 15, 2022, Reference 01 that held the claimant was overpaid \$1,113.00 in regular state benefits for three weeks between May 10, 2020 and May 30, 2020, based on the claimant incorrectly reporting her wages earned with Dancesport of Iowa, Inc. for that period. Notice of hearing was mailed to the parties' last known addresses of record for a telephone hearing to be held at 10:00 a.m. on June 9, 2022, at Des Moines, Iowa. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-10367-DS-T. The administrative law judge took official notice of the administrative record. The claimant's Exhibit 1 was admitted to the record.

ISSUE:

Was the claimant overpaid \$1,113.00 in regular state benefits for three weeks between May 10, 2020 and May 30, 2020, based on the claimant incorrectly reporting her wages earned with Dancesport Iowa, Inc. for that period?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$371.00. The claimant did receive benefits that included benefits for the three weeks between May 10, 2020 and May 30, 2020. For those weeks, the claimant reported wages and received regular benefits as follows:

Week Ending	Wages Reported	Benefits Paid
5-16-2020	\$0	\$371.00
5-23-2020	\$0	\$371.00
5-30-2020	\$0	\$371.00

Net Total: \$1,113.00

On October 26, 2020, the claimant's employer, Dancesport Iowa, Inc., reported to the Iowa Workforce Development Investigation and Recovery Unit gross wages for the three weeks in question, as follows:

Week Ending	Wages Reported
5-16-2020	\$612.50
5-23-2020	\$612.50
5-30-2020	\$612.50

The wages the employer reported were paid to the claimant to meet the conditions of a Payroll Protection Program (PPP) loan. The claimant acknowledged that she received these wages as indicated by the employer and did not know why she did not report them on her weekly claims.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits, which must be repaid.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Gross wages must be reported to Iowa Workforce Development as part of the weekly claim for the week in which the wages were earned. See Iowa Administrative Code rules 871-24.2(1)(g)(3)(2) and 871-24.2(2)(e)(2).

Iowa Administrative Code rule 871-24.18 provides as follows:

Wage-earnings limitation. An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deduction shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to

that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount.

The claimant was overpaid \$1,113.00 in regular benefits for the three weeks between May 10, 2020 and May 30, 2020. The claimant reported no wages for each of the three weeks in question. Since the claimant's wages for all three weeks exceeded the weekly benefit amount by more than \$15.00, the claimant was not eligible for benefits for any of those weeks. The sum of the regular overpayments for the three weeks is \$1,113.00.

DECISION:

The April 15, 2021, Reference 01, decision is affirmed. The claimant was overpaid \$1,113.00 in regular state benefits for three weeks between May 10, 2020 and May 30, 2020, because she did not report her wages earned with Dancesport Iowa, Inc. for that period. The claimant must repay the overpaid benefits.



David J. Steen
Administrative Law Judge

August 11, 2022
Decision Dated and Mailed

djs/lj

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.