

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEO W LENANE
Claimant

APPEAL NO. 09A-UI-11341-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 03/15/09
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Leo W. Lenane (claimant) appealed a representative's July 28, 2009 decision (reference 02) that concluded he 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 24, 2009. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 09A-UI-11340-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:

Whether the claimant is overpaid unemployment insurance benefits of \$1,158.00 as a result of the receipt of vacation pay?

FINDINGS OF FACT:

A representative issued a decision dated July 28, 2009 (reference 01) that concluded the claimant was disqualified from receiving benefits for the three-week period ending April 4, 2009 as a result of receiving or entitlement to receive vacation pay from Uniparts Olsen, Inc. (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 09A-UI-11340-DT, that vacation pay allocation decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective March 15, 2009. The claimant received unemployment insurance benefits for the three-week period ending April 4, 2009 in the amount of \$1,158.00.

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, due to the disqualification decision issued on July 28, 2009 that 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 \$1,158.00. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The claimant currently does still have an active claim with a remaining balance, so if he continues to make his weekly claims, the amount of the overpayment can be recovered through offset against his future weeks of eligibility.

DECISION:

The representative's July 28, 2009 decision (reference 02) is affirmed. The claimant is overpaid benefits of \$1,158.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw