

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

VAPORDEAL SANDERS
317 WEBSTER – BASEMENT
WATERLOO IA 50703

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-03854-RT
OC: 07/10/05 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant, Vapordeal Sanders, filed a timely appeal from an unemployment insurance decision dated March 22, 2006, reference 04, determining that she was overpaid unemployment insurance benefits. After due notice was issued for a telephone hearing on April 26, 2006 at 3:05 p.m., the claimant did not call in a telephone number, either before the hearing or 15 minutes after the hearing as instructed in the notice of appeal. There was no employer or respondent noticed. Consequently, no hearing was held. The administrative law judge takes official notice of Iowa Workforce Development Department unemployment insurance records for the claimant.

FINDINGS OF FACT:

Having examined the record, the administrative law judge finds: An authorized representative of Iowa Workforce Development issued a decision in this matter on March 22, 2006, reference 04, determining that the claimant was overpaid unemployment insurance benefits in the amount of \$277.00 for three weeks between February 12, 2006 and March 4, 2006. The claimant filed for unemployment insurance benefits effective July 10, 2005 and reopened her claim effective February 12, 2006. Since reopening her claim effective February 12, 2006, the claimant has received unemployment insurance benefits in the amount of \$277.00 as follows: \$63.00 for the benefit week ending February 18, 2006 (earnings \$70.00); and \$107.00 per week for two weeks, benefit weeks ending February 25, 2006 and March 4, 2006. This amount is now shown as overpaid and is the subject of this appeal. In a decision in appeal number 06A-UI-03852-RT, the administrative law judge concluded that the claimant was not entitled to receive such benefits because her appeal of a decision determining that the claimant was not eligible to receive such benefits was not timely and the claimant did not demonstrate good cause for delay in the filing of her appeal and, therefore, the original decision would remain in full force and effect denying the claimant benefits.

REASONING AND CONCLUSIONS OF LAW:

The question presented by this appeal is whether the claimant is overpaid insurance benefits in the amount of \$277.00 for three weeks between February 12, 2006 and March 4, 2006. The administrative law judge concludes that the claimant is overpaid that amount for that period.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has received unemployment insurance benefits in the amount of \$277.00 since separating from the employer, Waterloo Community School District, on or about February 15, 2006 and reopening her claim for benefits effective February 12, 2006. In appeal number 06A-UI-03852-RT, the administrative law judge concluded that the claimant was not entitled to receive such benefits because her separation from her employer was disqualifying and the claimant's appeal of a decision to that effect was not timely. Accordingly, the administrative law judge concludes that the claimant has received unemployment insurance benefits in the amount of \$277.00 to which she is not entitled and she is, therefore, overpaid such benefits. The administrative law judge further concludes that these benefits must be recovered in accordance with provisions of Iowa law.

DECISION:

The representative's decision of March 22, 2006, reference 04, is affirmed. The claimant, Vapordeal Sanders, is overpaid unemployment insurance benefits in the amount of \$277.00 for three weeks between February 12, 2006 and March 4, 2006.

cs/tjc