

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRIE M COFFEE**  
Claimant

**APPEAL NO. 09A-UI-14617-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**  
Employer

**Original Claim: 05/31/09  
Claimant: Appellant (4)**

Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant appealed a representative's decision dated September 24, 2009, reference 05, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,867.00 because she had failed to report earnings with Sioux Central Community School District for the period May 31 through July 4, 2009. A telephone hearing was scheduled for and held on October 28, 2009, pursuant to due notice. The claimant did participate.

**ISSUE:**

The issue is whether the claimant is overpaid in unemployment benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: Sherrie Coffee filed a claim for unemployment benefits with an effective date of May 31, 2009. She was disqualified as a result of her separation from Sioux Central Community School District in a decision dated July 1, 2009. Her local Workforce Center representative told her she could requalify for benefits by earning ten times her weekly benefit amount.

The claimant is the president of C&S Renovations. She paid herself \$4,000.00 for the one-week period from June 21 through 27, 2009, and brought the pay stub into the Workforce Center to requalify for benefits. She did not report any wages for that week when she filed her weekly claim and answered that she had not worked that week as well, which is not correct. She was paid \$375.00 in unemployment benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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 is overpaid unemployment insurance benefits in the amount of \$375.00.00 pursuant to Iowa Code section 96.3-7.

**DECISION:**

The decision of the representative dated September 24, 2009, reference 05, is modified in favor of the appellant. The claimant is overpaid unemployment insurance benefits in the amount of \$375.00 because she failed to report wages from C&S Renovations for the one-week period ending June 27, 2009.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw