

**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**

**MOSES N MENEGBO
721 ARTHUR AVE
DES MOINES IA 50316**

**ACTION WAREHOUSE CO LTD
1701 E EUCLID
DES MOINES IA 50313**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-02786-SWT
OC: 01/30/05 R: 02
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 appealed an unemployment insurance decision dated March 8, 2005, reference 02, that concluded he was overpaid \$430.00 in unemployment insurance benefits. A telephone hearing was held on April 4, 2005. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 30, 2005. His weekly benefit amount was determined to be \$381.00. For the week ending February 12, 2005, the claimant worked and earned \$297.00 in wages. At the end of the week, the claimant filed a weekly claim but did not report any wages because he

understood that the wages were to be reported when paid. He was paid a total of \$381.00 in benefits for the week. For the week ending February 19, 2005, the claimant worked and earned \$442.00 in wages. At the end of the week, the claimant filed a weekly claim and reported \$248.00 wages, which were his net wages from the previous week. He was paid a total of \$228.00 in benefits for the week.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

The law states that a claimant who earns less than his weekly benefit amount plus \$15.00 is entitled to partial unemployment insurance benefits in an amount equal to the weekly benefit amount minus that part of wages payable in excess of one-fourth of the individual's weekly benefit amount. Iowa Code sections 96.3-3 and 96.19-38-b.

As a result, the claimant was entitled to \$179.00 for the week ending February 12, 2005, and was not entitled to any benefits for the week ending February 19, 2005. He was overpaid a total of \$430.00.

DECISION:

The unemployment insurance decision dated March 8, 2005, reference 02, is affirmed. The claimant was overpaid \$430.00 in unemployment insurance benefits.

saw/sc