

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEPHANNIE R SESKER

Claimant

HEALTH MANAGEMENT SYSTEMS INC

Employer

APPEAL 21A-UI-02120-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/28/20

Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.18 – Wage-Earning Limitation

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 9, 2020 (reference 02) unemployment insurance decision that found claimant was overpaid benefits. The parties were properly notified of the hearing. A telephone hearing was held on March 5, 2021, at 4:00 p.m. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant was overpaid benefits.
Whether claimant's wages were correctly deducted.

FINDINGS OF FACT:

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

Claimant filed an initial claim for unemployment insurance benefits effective June 28, 2020. Claimant's weekly benefit amount is \$518.00. Claimant filed for unemployment insurance benefits because her part-time employer, Rube's Steakhouse, closed due to Covid-19. Claimant filed weekly claims for the five-week period between June 28, 2020 and August 1, 2020.

During the time claimant filed her weekly claims, she continued working for her full-time employer, Health Management Systems, where she earns gross wages of \$810.00 per week. Claimant did not report these wages on her three weekly claims between June 28, 2020 and July 18, 2020; claimant did report the wages on her weekly claims for the weeks ending July 25, 2020 and August 1, 2020. Claimant received UI benefits in the gross amount of \$1,554.00 for the three week period between June 28, 2020 and July 18, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(3) provides:

3. Partial unemployment. An individual who is partially unemployed in any week as defined in section 96.1A, subsection 38, paragraph "b", and who meets the conditions of eligibility for benefits shall be paid with respect to that week an amount equal to the individual's weekly benefit amount less that part of wages payable to the individual with respect to that week in excess of one-fourth of the individual's weekly benefit amount. The benefits shall be rounded to the lower multiple of one dollar.

Iowa Code section 96.3(7) states:

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.

Iowa Admin. Code r. 871-24.18 provides:

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.

Between June 28, 2020 and July 18, 2020, claimant earned \$810.00 per week, which is greater than her weekly benefit amount (\$518.00), plus \$15.00. Notwithstanding claimant's loss of supplemental employment, claimant earned enough wages to not be considered unemployed. Therefore, claimant is not eligible for benefits from June 28, 2020 until July 18, 2020. Claimant received benefits to which she was not entitled. Claimant has been overpaid UI benefits in the gross amount of \$1,554.00 for the three-week period between June 28, 2020 and July 18, 2020. Claimant is required to repay those benefits.

DECISION:

The December 9, 2020 (reference 02) unemployment insurance decision is affirmed. Claimant is overpaid UI benefits in the gross amount of \$1,554.00 for the three-week period between June 28, 2020 and July 18, 2020, which must be repaid.



Adrienne C. Williamson
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March 10, 2021
Decision Dated and Mailed

acw/lj