

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRIE L VANSICKLE**  
Claimant

**APPEAL NO: 12A-UCFE-00007-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 04/10/11**  
**Claimant: Appellant (4)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Sherrie L. VanSickle (claimant) appealed a representative's February 8, 2012 decision (reference 01) that concluded she had been overpaid unemployment insurance benefits due to the receipt of backpay from the U.S. Postal Service (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on March 7, 2012. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing, but the employer provided information prior to the hearing, ultimately substantiated by Agency records, to the effect that the overpayment had been resolved by the employer so that the overpayment had been resolved. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant established an unemployment insurance benefit year effective April 10, 2011 after what was at least a temporary separation from employment with the employer. She received unemployment insurance benefits in the amount of \$9,772.00 between April 10 and November 5, 2011. The employer subsequently reinstated the claimant and made a backpay payment which covered that same period of time.

The overpayment decision was issued in this case as a result of the backpay payment from the employer. However, the employer also withheld an amount equal to \$9,772.00 from the backpay payment and forwarded that amount to the Agency.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is overpaid benefits of \$9,772.00.

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, the claimant received benefits for which she subsequently was deemed ineligible because of receiving backpay from the employer for the same period. Therefore, the administrative law judge concludes that the claimant was overpaid benefits. However, the overpayment has already been satisfied by the employer's withholding of that amount and forwarding of that amount to the Agency. As a result, the current balance of the overpayment is zero.

**DECISION:**

The representative's February 8, 2012 decision (reference 01) is modified in favor of the claimant. The claimant was overpaid unemployment insurance benefits for the period of time for which she later received backpay, but that benefit overpayment has been repaid, and the overpayment balance is now zero.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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