

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE SCHNEIDER
Claimant

APPEAL NO: 14A-UI-00853-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARAMARK CORPORATION
Employer

OC: 06/23/13
Claimant: Appellant (2)

Iowa Code § 96.3-7 – Recovery of Benefit Overpayment
Iowa Code § 96.5-7 – Receipt of Vacation Pay

STATEMENT OF THE CASE:

Diane Schneider (claimant) appealed an unemployment insurance decision dated January 21, 2014, reference 01, which held that she was overpaid unemployment insurance benefits in the amount of \$188.00 due to the receipt of vacation pay from Aramark Corporation (employer). Due notice was issued scheduling the matter for a telephone hearing to be held February 13, 2014. Because a decision fully favorable to the appellant could be made based on the administrative record, a hearing was deemed unnecessary.

ISSUE:

The issue is whether the claimant was overpaid \$188.00 in unemployment insurance benefits for the one-week period ending June 29, 2013.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant was found to be overpaid unemployment benefits in the amount of \$188.00 for the week ending June 29, 2013, due to the receipt of vacation pay for that same time frame. The employer confirmed the claimant was not paid vacation pay for the week ending June 29, 2013.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 provides in pertinent part:

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.

b. (1) 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 not been overpaid unemployment insurance benefits in the amount of \$188.00 pursuant to Iowa Code § 96.3-7 as she did not receive vacation pay for the week ending June 29, 2013.

DECISION:

The unemployment insurance decision dated January 21, 2014, reference 01, is reversed. The claimant was not overpaid unemployment insurance benefits in the amount of \$188.00.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs