

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J ALTMAN
Claimant

APPEAL NO. 17A-UI-08996-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/23/17
Claimant: Appellant (2)

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Michael Altman filed a timely appeal from the August 23, 2017, reference 05, decision that he was overpaid \$383.00 in benefits for the week of July 23-29, 2017, based on an purported failure to report or incorrect report of vacation pay received from Pioneer Hi-Bred. After due notice was issued, a hearing was held on September 21, 2017. Mr. Altman participated. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-08995-JTT. At the time of the hearing, Exhibits A and B and Department Exhibits D-1 through D-7 were received into evidence. The administrative law judge left the hearing record open for the limited purpose of allowing Mr. Altman to submit documentation of deposits to his credit union account during the period of July 25, 2017 through August 31, 2017. On the afternoon of September 21, 2107, Mr. Altman submitted a credit union document that showed deposits to a financial account that posted on July 24, 2017 through August 4, 2017. The administrative law judge received the additional exhibit into evidence as Exhibit C.

ISSUE:

Whether the claimant was overpaid \$383.00 in benefits for the week of July 23-29, 2017, based on a purported failure to report or incorrect report of vacation pay received from Pioneer Hi-Bred.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Michael Altman established an unemployment insurance claim that was deemed effective July 23, 2017. Workforce Development calculated Mr. Altman's weekly benefit amount to be \$473.00. No taxes had been withheld from the benefits. However, the unemployment insurance benefits are subject to the child support garnishment. At the time Mr. Altman established the claim, he had previously been overpaid \$439.00 in unemployment insurance benefits that he not repaid to Iowa Workforce Development. When Mr. Altman made his weekly claim for the week that ended July 29, 2017, he reported \$208.00 in benefits and was approved for \$383.00 in reduced benefits. Workforce Development offset the \$383.00 in approved benefits against the prior \$439.00 overpayment. When Mr. Altman made his weekly claim for the week that ended August 5, 2017, he reported zero wages. Mr. Altman was approved for \$473.00 in benefits for

the week that ended August 5, 2017. Workforce Development offset \$56.00 of those benefits against the prior overpayment. Workforce Development disbursed the remainder, \$417.00, to Mr. Altman and his child support obligation. When Mr. Altman made his weekly claim for the week that ended August 12, 2017, he reported zero wages. Workforce Development approved \$473.00 in benefits and disbursed the benefits to Mr. Altman and his child support obligation. When Mr. Altman made his weekly claim for the week that ended August 19, 2017, he reported zero wages. Workforce Development approved \$473.00 in benefits, but offset \$383.00 in benefits to recover what the agency believed at that had been \$383.00 overpayment of benefits for the first week of the claim, the week that ended July 29, 2017. Workforce Development disbursed the remainder of the benefits, \$90.00, to Mr. Altman and his child support obligation.

On August 22, 2017, a Workforce Development representative entered a reference 04 decision that concluded Mr. Altman was not eligible for benefits for the week that ended July 29, 2017, based on addition of apportioned vacation pay to the wages he reported for the week that ended July 29, 2017. The August 22, 2017, reference 04, decision prompted the overpayment decision from which Mr. Altman appeals in the present matter. The August 22, 2017, reference 04, decision has been reversed on appeal. See Appeal Number 17A-UI-08995-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the vacation pay decision that triggered the overpayment decision has been reversed on appeal, the administrative law judge concludes that Mr. Altman was not overpaid \$383.00 in benefits for the week of July 23-29, 2017, based on alleged receipt of vacation pay from Pioneer Hi-Bred.

DECISION:

The August 23, 2017, reference 05, decision is reversed. The claimant was not overpaid \$383.00 in benefits for the week of July 23-29, 2017, based on alleged receipt of vacation pay from Pioneer Hi-Bred.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs