

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALONDA BROADWATER
Claimant

APPEAL NO. 15A-UI-00087-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/16/14
Claimant: Appellant (4)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed from the December 24, 2014 (reference 05) decision that concluded the claimant was overpaid unemployment insurance benefits for the four-week period ending December 13, 2014; as a result of a failure to report or incorrectly reporting her severance and vacation pay from Lamair – Mulock - Condon. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was held on January 29, 2015. The claimant participated personally. Exhibit D-1 was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was separated on November 14, 2014 and received vacation pay in the amount of \$1,084.15 for 5.22 days. The employer did designate the period of time to follow her separation from employment. She received ten days of severance pay for the two-week period ending December 6, 2014.

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 been overpaid unemployment insurance benefits pursuant to Iowa Code § 96.3(7), for the three-week period ending December 6, 2014; due to the receipt of vacation and severance pay.

DECISION:

The December 24, 2014 (reference 05) decision is modified in favor of the claimant. The claimant was overpaid unemployment insurance benefits in the amount of \$864.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

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