

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

BARBARA PETERSON-BENJEGERDES
Claimant

APPEAL NO. 19A-UI-01445-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/30/18
Claimant: Appellant (4)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Barbara Petersen-Benjegerdes filed a timely appeal from the February 12, 2019, reference 02, decision that held she was overpaid \$2,116.00 in benefits for four weeks between December 30, 2018 and February 2, 2019, based on an earlier decision that disqualified her for benefits in connection with a determination that she was not able to work and/or available for work. After due notice was issued, a hearing was held on March 5, 2019. Ms. Petersen-Benjegerdes participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-01444-JTT. Exhibits A and Department Exhibits D-1 and D-2 were received into evidence at the time of the appeal hearing. The hearing record was left open for the limited purpose of allowing Ms. Petersen-Benjegerdes an opportunity to submit record of her receipt of back pay in connection with the federal government shut-down. On March 6, 2019, Ms. Petersen-Benjegerdes submitted a payroll document via email, which was received into the record as Exhibit B.

ISSUE:

Whether the claimant overpaid was \$2,116.00 in benefits for four weeks between December 30, 2018 and February 2, 2019, based on an earlier decision that disqualified her for benefits in connection with a determination that she was not able to work and/or available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Barbara Petersen Benjegerdes established an original claim for benefits that was effective December 30, 2018. For the week of December 30, 2018 through January 5, 2019, Ms. Petersen-Benjegerdes received \$529.00 in federal unemployment insurance benefits. For the week of January 6-12, 2019, Ms. Petersen-Benjegerdes received \$529.00 in federal unemployment insurance benefits. For the week of January 13-19, 2019, Ms. Petersen-Benjegerdes received no unemployment insurance benefits. For the week of January 20-26, 2019, Ms. Petersen-Benjegerdes received \$87.00 in state unemployment insurance benefits and \$442.00 in federal unemployment insurance benefits. For the week of January 27, 2019 through February 2, 2019, Ms. Petersen-Benjegerdes received \$87.00 in state unemployment insurance benefits and \$442.00 in federal unemployment insurance benefits.

On February 11, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective December 30, 2018, based on the deputy's conclusion that Ms. Petersen-Benjegerdes was not partially unemployed within the meaning of the law. The February 11, 2019, reference 01, decision prompted the overpayment decision from which Ms. Petersen-Benjegerdes appeals in the present matter. The February 11, 2019, reference 01, decision has been modified on appeal to allow benefits for the two-week period of December 30, 2018 through January 12, 2019, provided Ms. Petersen-Benjegerdes meets all other eligibility requirements, based on the administrative law judge's conclusion that Ms. Petersen-Benjegerdes was able to work, available for work, but partially unemployed during those two weeks. See Appeal Number 19A-UI-01444-JTT. However, the denial of benefits for the period beginning January 13, 2019 has been affirmed on appeal, based on the administrative law judge's conclusion that Ms. Petersen-Benjegerdes was not partially unemployed within the meaning of the law for the period beginning January 13, 2019. See Appeal Number 19A-UI-01444-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 February 11, 2019, reference 01, decision has been modified on appeal to allow benefits for the two-week period of December 30, 2018 through January 12, 2019, provided Ms. Petersen-Benjegerdes is otherwise eligible, the administrative law judge concludes that Ms. Petersen-Benjegerdes was not overpaid benefits for that two-week period. Because the February 11, 2019, reference 01, decision's denial of benefits for the period beginning January 13, 2019 has been affirmed, the \$174.00 in regular benefits and \$884.00 in federal benefits Ms. Petersen-Benjegerdes received for the two-week period of January 20, 2019 through February 2, 2019 are an overpayment of benefits. Ms. Petersen-Benjegerdes must repay the overpaid benefits.

DECISION:

The February 12, 2019, reference 02, decision is modified as follows. The claimant was not overpaid benefits for the two-week period of December 30, 2018 through January 12, 2019. The claimant was overpaid \$174.00 in regular benefits and \$884.00 in federal benefits for the two-week period of January 20, 2019 through February 2, 2019. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs