

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALFREDO MARTINEZ
Claimant

APPEAL 22A-UI-04093-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROADBAND TELECOM SERVICES INC
Employer

**OC: 02/17/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Alfredo Martinez, filed an appeal from the January 28, 2022 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of benefits. After proper notice, a telephone hearing was held on March 16, 2022. The claimant participated personally. The employer/respondent, Broadband Telecom Services Inc., participated through Whitney Tilson. Official notice of the administrative record was taken. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant overpaid benefits, and were wages correctly deducted?

FINDINGS OF FACT:

Having reviewed all of the evidence and administrative records, the administrative law judge finds: Claimant established a claim for unemployment insurance benefits effective February 17, 2019. Claimant began work for this employer effective December 2019. His weekly benefit amount was \$193.00.

Claimant made weekly continued claims each week for the weeks ending January 25, 2020, February 2, 2020, February 8, 2020 and February 15, 2020. During this period he was performing work but did not report wages each week earned. An audit was conducted and confirmed claimant worked each week. Employer at hearing confirmed the following hours and wages:

Week	Hours Worked/ Rate of Pay	Total Wages
January 19-25, 2020	39.72/\$10.00	\$397.20
January 26 – February 2, 2020	38/\$10.00	\$380.00
February 3-8, 2020	39/\$10/00	\$390.00
February 9-15, 2020	39.76/\$7.25	\$288.26

For the period of January 19-February 15, 2020, claimant filed for and received \$772.00 in regular unemployment insurance benefits. Had he accurately reported wages, he would not have been entitled to wages based upon earnings above.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether claimant is overpaid due to unreported wages.

Iowa Admin. Code r. 871-23.3(1) provides:

(1) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Wages also means wages in lieu of notice, separation allowance, severance pay, or dismissal pay. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rule 23.2(96).

Claimant in this case failed to report wages earned each week for the weeks ending January 25, 2020, February 2, 2020, February 8, 2020 and February 15, 2020. Consequently, he received benefits he was not entitled to, and is therefore overpaid \$772.00 in regular unemployment insurance benefits. These benefits are subject to recovery.

DECISION:

January 28, 2022 (reference 02) Iowa Workforce Development ("IWD") unemployment insurance decision that established an overpayment of benefits is affirmed. The claimant \$772.00 in regular unemployment insurance benefits. These benefits are subject to recovery.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

March 29, 2022
Decision Dated and Mailed

jlb/kmj

NOTE TO CLAIMANT:

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>