

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

AMANDA K SANNY
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IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-09430-DWT
OC: 07/05/04 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Amanda K. Sanny (claimant) appealed a representative's August 20, 2004 decision (reference 04) that concluded she had been overpaid \$466.00 in benefits she received for the weeks ending July 17 and 24, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 23, 2004. The claimant participated in the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

For the weeks ending July 17 and 24, 2004, has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 4, 2004. The claimant filed claims for the weeks ending July 17 and 24. She received \$212.00 in benefits for the week ending July 17 because only \$98.00 of vacation pay was initially attributed to this week. The claimant received her maximum weekly benefit amount of \$310.00 for the week ending July 24, 2004.

The claimant appealed a representative's August 20 decision that concluded she was not eligible to receive benefits for the week ending July 17, 2004. This decision has been affirmed. See decision for appeal 04A-UI-09429-DWT. The decision also explained that 22.71 hours of the vacation payment must be attributed to the week ending July 24, 2004.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code §96.3-7. Based on the decision for appeal 04A-UI-09429-DWT, the claimant is not legally entitled to receive benefits for the week ending July 17, 2004. She is eligible to receive partial benefits for the week ending July 24. Since she received 22.71 hours of vacation pay or \$254.35, this must be attributed to this week. This means the claimant is legally entitled to receive \$156.00 in benefits for this week or was overpaid \$254.00 in benefits for the week ending July 24, 2004. The claimant was not at fault for the overpayment.

DECISION:

The representative's August 20, 2004 decision (reference 04) is affirmed. Based on the vacation pay attributed to the weeks ending July 17 and 24, 2004, the claimant has been overpaid and must repay \$466.00 in benefits she received for these weeks but was not legally entitled to receive. The claimant was not at fault for the overpayment.

dlw/tjc