

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER N MARTIN
Claimant

APPEAL NO. 08A-EUCU-00007-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/13/07 R: 03
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Heather N. Martin filed a timely appeal from an unemployment insurance decision dated September 4, 2008, reference 03, which ruled that she had been overpaid \$922.00 for the five weeks ending August 9, 2008, due to an Agency error that allowed her to be paid emergency unemployment compensation benefits when she was monetarily eligible for a new state unemployment insurance claim. After due notice was issued, a telephone hearing was held September 24, 2008, with Ms. Martin participating. The administrative law judge takes official notice of Agency wage records.

ISSUE:

Has the claimant been overpaid emergency unemployment compensation benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Since the third quarter of 2007, Heather N. Martin has been employed by the Lamoni Community School District. In the fourth quarter of 2007, she also received wages from the Mount Ayr Community School District. Her wages are sufficient to make her monetarily eligible for a claim that could be filed in the third quarter of 2008.

The Agency contacted Ms. Martin concerning the emergency unemployment compensation program when it was enacted by the federal government. Ms. Martin contacted the Agency in response to that notice. Not realizing that Ms. Martin was monetarily eligible for a state unemployment insurance claim, the Agency paid benefits to Ms. Martin for the five weeks ending August 9, 2008.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the federal emergency unemployment compensation benefits must be repaid. The administrative law judge concludes that they must because they were paid in error. The federal law establishing the emergency unemployment compensation program denies

federal benefits to claimants who are monetarily eligible for a state claim. Since Ms. Martin is monetarily eligible for a state claim, she is therefore ineligible for the federal benefits. They must be recovered in accordance with the provisions of Iowa Code section 96.3-7.

DECISION:

The unemployment insurance decision dated September 4, 2008, reference 03, is affirmed. The claimant has been overpaid emergency unemployment compensation benefits in the amount of \$922.00 for the five weeks ending August 9, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw