

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHANIE L HANSEN**  
Claimant

**APPEAL NO. 09A-UI-03601-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CELEBRITY STAFFING**  
Employer

**Original Claim: 08/17/08  
Claimant: Appellant (5)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Stephanie L. Hansen (claimant) appealed a representative's February 27, 2009 decision (reference 08) that concluded she had been overpaid unemployment insurance benefits for the two-week period ending January 3, 2009; the representative's decision said it was "because you failed to report or incorrectly reported vacation pay from Celebrity Staffing" (employer). After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 9, 2009. This appeal was consolidated for hearing with one related appeal, 09A-UI-04776-DT. The claimant participated in the hearing. Sarah Bonow participated on behalf of the employer. 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 affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

**ISSUE:**

Was the claimant is overpaid unemployment insurance benefits of \$818.00?

**FINDINGS OF FACT:**

A representative issued a decision dated January 8, 2009 (reference 05) that concluded the claimant was disqualified from receiving benefits for the two-week period ending January 3, 2009 because she was on vacation and therefore not able and available for work. As determined in the concurrently issued decision in appeal 09A-UI-04776-DT, that disqualification decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective August 17, 2008. Her weekly benefit amount was calculated to be \$409.00. She filed an additional claim effective November 23, 2008. She filed weekly claims for the week ending December 27, 2008 and the week ending January 3, 2009; the \$409.00 weekly benefit amount was paid for both weeks.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$818.00 pursuant to Iowa Code § 96.3-7.

**DECISION:**

The representative's February 27, 2009 decision (reference 08) is affirmed as modified with no effect on the parties. The claimant is overpaid benefits of \$818.00 due to not being able and available for work because of being on vacation for the two-week period ending January 3, 2009.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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