

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BONNIERAE L CARLSON
Claimant

APPEAL 20A-UI-12047-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (5)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 17, 2020 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$72.00 due to her failure to report wages earned during the week of May 3, 2020 through May 9, 2020. The parties were properly notified of the hearing. A telephone hearing was held on November 23, 2020. The claimant, Bonnierae L. Carlson, participated personally. Iowa Workforce Development did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid benefits for the week of May 3, 2020 through May 9, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective April 26, 2020. She was working at Sanford and Grand Falls Casino Resort. She never worked for Benjamin C. Lundell D.D.

Claimant's administrative records establish that she reported earning wages of \$148.00 for the week-ending May 9, 2020. Claimant's weekly-benefit amount was \$305.00. Because claimant failed to report gross wages earned when completing her weekly-continued claim for benefits, she was paid her full weekly benefit amount of \$305.00 for the week-ending May 9, 2020. Claimant was only entitled to \$233.00 for that week after deducting her gross wages earned pursuant to Iowa law. Claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$72.00 for the week-ending May 9, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Iowa Admin. Code r. 871-24.18 provides:

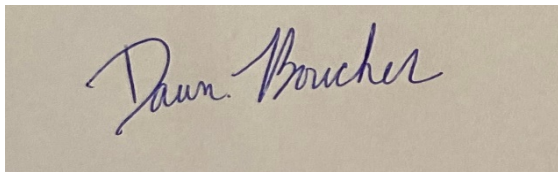
Wage-earnings limitation. An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deductions shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount.

This rule is intended to implement Iowa Code § 96.3, 96.4 and 96.19(38).

In this case, the claimant never worked for Benjamin C. Lundell D.D. but she was still overpaid unemployment insurance benefits of \$72.00 during the week-ending May 9, 2020. Her weekly benefit amount was subject to a deduction of her gross wages earned pursuant to Iowa Admin. Code. r. 871-24.18. As such, she must repay the overpayment balance owed of \$72.00 to Iowa Workforce Development.

DECISION:

The September 17, 2020 (reference 02) unemployment insurance decision is modified with no change in effect. The claimant was overpaid benefits of \$72.00 for the one-week period ending May 9, 2020.



Dawn Boucher
Administrative Law Judge

December 4, 2020
Decision Dated and Mailed

db/scn