

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE D HERING-KENT
Claimant

APPEAL NO. 08A-UI-10884-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/14/08 R: 01
Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Julie D. Hering-Kent (claimant) appealed a representative's November 14, 2008 decision (reference 03) that concluded she had been overpaid unemployment insurance benefits for the five weeks ending October 25, 2008 due to the receipt of vacation pay attributable to that period. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 5, 2008. This appeal was consolidated for hearing with two related appeal, 08A-UI-10883-DT and 08A-UI-10885-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated November 14, 2008 (reference 02) that concluded the claimant was disqualified from receiving benefits for the six-week period ending October 25, 2008 due to the receipt of vacation pay from Cass County Agriculture Extension District (employer). The claimant timely appealed that decision, and in the concurrently issued decision in appeal 08A-UI-10883-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the November 14, 2008 (reference 02) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$1,412.00 received for the weeks between September 16 and October 25.

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, the claimant received benefits for which she subsequently was deemed ineligible in the representative's decision issued on November 14, 2008 (reference 02). The disqualification from that decision has been reversed in the concurrently issued decision in 08A-UI-10883-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits for the period between September 21 and October 25 due to the receipt of vacation pay.

DECISION:

The representative's November 14, 2008 decision (reference 03) is reversed. The claimant is not overpaid benefits of \$1,412.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw