

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRIS A TREES
Claimant

APPEAL 18A-UI-10779-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/15/18
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Chris A. Trees (claimant) appealed an unemployment insurance decision dated October 25, 2018, reference 06, that concluded he was overpaid \$455.00 in unemployment insurance benefits for the week ending October 20, 2018, because he had received a week of benefits beyond his maximum benefit amount. A telephone hearing was held on November 14, 2018. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. The Claimant's Exhibits A through C were admitted. Exhibit B, submitted after the hearing, consists of the printout he received from the state of Iowa showing his net payments and withholdings and Exhibit C, also submitted after the hearing, is the claimant's balance and transactions record from his Bank of America debit card. The administrative law judge took official notice of the administrative record, specifically the claimant's database readout (DBRO).

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of April 15, 2018. The weekly benefit amount on the claim is \$455.00 and the maximum benefit amount is \$11,830.00, which equates to 26 weeks times his weekly benefit amount. The claimant filed for and received a total of \$12,285.00 in unemployment insurance benefits for the 27 weeks between April 15, 2018 and October 20, 2018. (Exhibit B, Exhibit C, DBRO) As the claimant received an additional week of benefits beyond what he was entitled, he has been overpaid \$455.00 in unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

Iowa Code section 96.3 provides, in relevant part:

Payment – determination – duration – child support intercept.

5. a. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser...

...

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.

The claimant argued he has only received his maximum benefit amount due to a withholding issue. However, the claimant's exhibits do not support his contention. The claimant had part of his unemployment insurance benefits withheld for both state and federal taxes. That money was paid by IWD to the proper authorities on his behalf and he will receive a 1099 for his 2018 taxes. The claimant's net receipt of unemployment benefits on his debit card totals \$9,282.00 and he received a warrant for \$1,365.00 for three weeks of benefits that were withheld to offset an overpayment that was later overturned. Exhibit B shows the claimant's federal withholdings total \$1,092.00 and his state withholdings total \$546.00. The claimant's gross receipt of benefits is \$12,285.00 which is \$455.00 beyond his maximum benefit amount of \$11,830.00. The claimant has been overpaid \$455.00 in error for the week ending October 20, 2018, which must be repaid.

DECISION:

The unemployment insurance decision dated October 25, 2018, reference 06, is affirmed. The claimant was overpaid \$455.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn