

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DALE K HOFFMANN**  
Claimant

**APPEAL NO. 20A-UI-09353-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

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Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Dale Hoffmann filed a timely appeal from the July 24, 2020, reference 01, decision that concluded he was overpaid unemployment insurance benefits in the amount of \$481.00 because he failed to report wages earned with Electrical Power Product. After due notice was issued, a hearing was held on September 22, 2020. Mr. Hoffmann participated in the hearing. The Iowa Workforce Development Investigations & Recovery Unit submitted Exhibits in lieu of otherwise participating in the appeal hearing. Exhibit A and Department Exhibits D-1 and D-2 were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO and KPYX.

**ISSUE:**

Whether the claimant was overpaid \$481.00 in unemployment insurance benefits for the week that ended May 30, 2020.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective April 26, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$481.00. The claimant received benefits that included \$481.00 in regular unemployment insurance benefits for the week that ended May 30, 2020. The employer's work week starts on a Thursday and ends on a Wednesday, whereas Iowa Workforce Development uses Sunday through Saturday weeks for purposes of reporting wages and determining benefit eligibility. The claimant failed to account for this difference when he made his weekly claims for the period of May 10 through May 30, 2020. When Iowa Workforce Development looked into the matter, the Agency determined that \$505.00 of the \$842.00 in benefits that the claimant reported for the week that ended May 23, 2020 actually belong in the claim week that ended May 30, 2020. Assignment of the \$505.00 in wages to the week that ended May 30, 2020 rendered the claimant ineligible for benefits for that week because the wages were deductible from benefits and exceeded the weekly benefit amount by \$24.00. Based on the claimant's failure to account for the difference between the Thursday-Wednesday work week used by the employer and the Sunday-Saturday

claim week, the claimant has made a corresponding over-report of wages in an earlier claim week. Iowa Workforce Development made an adjustment to benefits for that earlier claim week.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Iowa Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits. The evidence in the record establishes a \$481.00 overpayment of regular benefits for the week that end May 30, 2020, based on the claimant's unintentional weekly claim reporting error.

**DECISION:**

The July 24, 2020, reference 01, decision is affirmed in part and modified in part. The claimant was overpaid \$481.00 in unemployment insurance benefits for the week that ended May 30, 2020. Recovery of the overpayment may be achieved through direct repayment or through an offset of future benefits. The claimant shall not be barred from being considered for additional benefits until the total overpayment amount is repaid, which would represent an unduly harsh requirement in this minor, non-fraud overpayment matter.

This matter is **remanded** to Benefits Bureau and/or the Investigations & Recovery Unit for entry of a non-fraud based overpayment decision concerning the \$600.00 in FPUC benefits the claimant received for the week that ended May 30, 2020.



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James E. Timberland  
Administrative Law Judge

October 27, 2020  
Decision Dated and Mailed

jet/scn