

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBIE L HASS
Claimant

APPEAL NO: 06A-UI-10021-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ELECTROLUX HOME PRODUCTS INC
FRIGIDAIRE**
Employer

**OC: 07-23-06 R: 01
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant appealed the October 6, 2006, reference 03, decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1,575.00 as a result of a decision that found her able to and available for work but deducted sickness and accident pay from benefits. A telephone hearing was held on October 30, 2006, pursuant to due notice. Claimant did participate.

ISSUE:

The issue is whether claimant is overpaid benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a decision that has now been affirmed. Claimant receives sickness and accident pay of \$225.00 gross per week effective the first week of August 2006.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation

trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits of \$1,575.00 as it relates to deduction of sickness and accident pay but not related to any ability to or availability for work issues.

DECISION:

The October 6, 2006, reference 03, decision is affirmed. Claimant has been overpaid unemployment insurance benefits in the amount of \$1,575.00.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs