

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER E BOYD**  
Claimant

**APPEAL NO. 08A-UI-03484-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/02/08 R: 02  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed from the April 4, 2008, reference 02, decision that concluded the claimant was overpaid unemployment insurance benefits as a result of a failure to report or incorrectly reporting severance pay. A telephone hearing was scheduled and held on April 23, 2008, pursuant to due notice. The claimant participated.

**ISSUE:**

The issue is whether the claimant was overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 14, 2005, as a full-time store manager. Her last day of work was March 5, 2008. On March 6, 2008, when the claimant's employment ended, the employer gave the claimant two-week of severance pay covering the week ending March 22, 2008. The claimant filed her claim for unemployment insurance benefits with an effective date of March 2, 2008.

**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 pursuant to Iowa Code § 96.3(7) due to the receipt of severance pay for the two week period ending March 22, 2008. The representative's decision calculation is correct.

**DECISION:**

The April 4, 2008, reference 02, decision, is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$694.00.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw