

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERESA A THOMPSON**  
Claimant

**APPEAL NO. 09A-UI-14584-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/05/09  
Claimant: Appellant (2)**

Section 96.3-7- Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Teresa A. Thompson (claimant) appealed a representative's September 24, 2009 decision (reference 02) that concluded she has been overpaid \$160.00 in benefits she received for the week ending July 11, 2009, because she did not report wages she earned that week. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 27, 2009. The claimant did not participate in the hearing, but her attorney, Shelley R. Witcher, appeared on her behalf. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant been overpaid \$160.00 in benefits for the week ending July 11, 2009?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of July 5, 2009. The last day the claimant worked for Concerned, Inc. was July 3, 2009. On July 31, 2009, this employer paid the claimant \$216.86 gross wages for the pay period July 1 through 15, 2009.

The claimant filed a claim for the week ending July 11, 2009. She did not report any wages for this week. She received her maximum weekly benefit amount of \$229.00 for this week.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who is partially unemployed may earn weekly a sum equal to her weekly benefit amount plus \$15.00 before being disqualified for excessive earnings. 871 IAC 24.18. The record indicates the claimant did not earn any wages the week of July 5 through 11, because her last day of work was July 3. Even though an employer paid her on July 31 for work she performed July 1 through 3, the law requires claimants to report wages when earned, not paid. The claimant did not earn any wages the week of July 5. This means she is eligible to receive \$229.00 in benefits she received for this week and has not been overpaid \$160.00 in benefits.

**DECISION:**

The representative's September 24, 2009 decision (reference 02) is reversed. The claimant properly reported that she had not earned any wages for the week of July 5, 2009. Therefore, she is legally entitled to receive \$229.00 in benefits for this week and has not been overpaid \$160.00 in benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw