

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**KAREN M ROSS**  
Claimant

**APPEAL 17A-UI-04394-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/18/16  
Claimant: Appellant (4)**

---

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 19, 2017, (reference 04), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$24.00 for the one-week period ending March 25, 2017, as a result of a failure to report or incorrectly reporting vacation pay from ROCKWELL COLLINS INC. After due notice was issued, a telephone hearing was scheduled and held on May 15, 2017, pursuant to due notice. Claimant participated. Claimant exhibit A was admitted into evidence with no objection. Official notice was taken of the administrative record, including claimant's benefit payment history and fact-finding documents, with no objection.

**ISSUE:**

Is the claimant 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 the unemployment insurance decision that has been modified in favor of the appellant in appeal number 17A-UI-04393-JP-T. Claimant mistakenly reported vacation pay of \$168.00 for the week-ending March 25, 2017 and he received benefits in the gross amount of \$279.00 for the week-ending March 25, 2017. Claimant should have reported \$173.00 as vacation pay for the week-ending March 25, 2017. Claimant reported \$5.00 less than she should have as vacation pay for the week-ending March 25, 2017.

Claimant was on a temporary layoff for the week-ending March 25, 2017. Claimant received payment for eight hours of vacation pay, which was allocated for March 23, 2017 because she had a vacation previously scheduled for March 23, 2017 before she was informed that she was going to be on temporary layoff. The vacation pay/paid time off (PTO) was in the amount of \$170.64, equivalent to eight hours, plus \$2.80 of longevity pay. Claimant Exhibit A. Claimant is paid every week. The pay week for the employer is on Saturday through Friday. Claimant's weekly benefit amount (WBA) is \$447.00.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides, in pertinent part:

*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.

b. (1) (a) 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.

Claimant's weekly benefit amount is \$447.00 and she should have reported \$173.00 as vacation pay for the week-ending March 25, 2017. Therefore, claimant was eligible for benefits in a reduced amount of \$274.00 for the week-ending March 25, 2017. Claimant was paid \$279.00 in benefits for the week-ending March 25, 2017. The administrative law judge concludes that claimant has not been overpaid unemployment insurance benefits in the amount of \$24.00 as stated by the representative's decision. However, claimant is overpaid \$5.00 pursuant to Iowa Code § 96.3(7) because the decision that created the overpayment decision has now been modified in favor of the appellant in appeal number 17A-UI-04393-JP-T.

**DECISION:**

The April 19, 2017, (reference 04) unemployment insurance decision is modified in favor of the appellant. Claimant has been overpaid unemployment insurance benefits in the gross amount of \$5.00 to which she was not entitled and those benefits must be recovered in accordance with Iowa law.

---

Jeremy Peterson  
Administrative Law Judge

---

Decision Dated and Mailed

jp/scn