

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAXINE LUDWIG
Claimant

APPEAL NO. 07A-UI-03015-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREEN SIDE UP INC
Employer

OC: 12/03/06 R: 02
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Maxine Ludwig (claimant) appealed a representative's March 23, 2007 decision (reference 01) that concluded she had been overpaid \$70.00 in benefits she received for weeks ending January 6 and 13, 2007, because she did not correctly report wages she earned from Green Side Up, Inc. (employer) for these weeks. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 10, 2007. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's representative/witness could be contacted to participate at the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, 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 \$70.00 in benefits for the weeks ending January 6 and 13, 2007?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 3, 2006. The claimant filed claims for the weeks ending January 6 and 13, 2007. The claimant reported she had not earned any wages during these weeks. The claimant received her maximum benefit amount of \$62.00 for each of these weeks.

The claimant has not earned or received any wages from the employer since November 30, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant who is partially unemployed may earn weekly a sum equal to the claimant's maximum weekly benefit amount plus \$15.00 before being disqualified for excessive earnings. If the claimant earns less than her weekly benefits amount plus \$15.00, wages earned are

deducted in accordance with the regulation. 871 IAC 24.18. The facts presented at the April 10 hearing indicate the claimant did not earn any wages from the employer during the weeks ending January 6 and 13, 2007. As a result, the claimant is eligible to receive her maximum weekly benefit amount of \$62.00 for each of these weeks. The claimant has not been overpaid \$70.00 for the weeks ending January 6 and 13, 2007.

DECISION:

The representative's March 23, 2007 decision (reference 01) is reversed. There is no evidence that the claimant earned any wages from the employer during the weeks ending January 6 and 13, 2007. Therefore, the claimant is eligible to receive her maximum weekly benefits of \$62.00 for each week and has not been overpaid \$70.00 in benefits during these two weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css