

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RHONDA D THINER
Claimant

APPEAL NO: 15A-UI-02629-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

POLARIS INDUSTRIES MANUF LLC
Employer

OC: 12/28/14
Claimant: Appellant (2)

Iowa Code § 96.5(7) – Vacation Pay
Iowa Code § 96/3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's February 19, 2015 (reference 01) determination that held her overpaid \$238 in benefits she received for the week ending January 3, 2015, because she failed to report vacation pay she received for this week. The claimant participated at the March 31 hearing. Jennifer Wanliss, the employer's payroll administrator, and Jared Hehn, a human resource generalist, appeared on the claimant's behalf. Based on the employer's letter that was sent in prior to the hearing and the claimant's accurate reporting of holiday pay, the administrative record and the law, the administrative law judges concludes there was no need for a hearing and the claimant was not overpaid any benefits for the week ending January 3, 2015.

ISSUE:

Was the claimant overpaid any benefits for the week ending January 3, 2015?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 28, 2014. Her maximum weekly benefit amount is \$361. She filed a claim for the week ending January 3, 2015. She reported she had earned \$159 in holiday pay for this week. The employer verified the only pay the claimant received for the week ending January 3, 2015, was eight hours of holiday pay for a gross payment of \$159.

The employer paid the claimant an additional 9.5 hours of regular pay and 5.25 hours of overtime pay, but these were wages the claimant earned in a previous week that the employer had inadvertently not paid the claimant.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). The claimant correctly reported the eight hours of holiday pay she earned for the week ending January 3, 2015.

The additional wages the employer paid her on this paycheck were for hours the claimant had worked and earned in a previous week. As a result the wages the claimant earned for a previous week were properly excluded when she filed her claim for the week ending January 3, 2015. The claimant received the correct benefit amount for the week ending January 3, 2015. She has not been overpaid any benefits for this week.

DECISION:

The representative's February 19, 2015 (reference 01) determination is reversed. The claimant has not been overpaid any benefits for the week ending January 3, 2015. She properly reported the holiday pay she earned this week and did not receive any vacation pay for this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can