

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS SCHUELLER
Claimant

APPEAL NO. 06A-UI-11522-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/06/05-06 R: 04
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed from the November 22, 2006, reference 02, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$337.00 as a result of a failure to report, or incorrectly reporting, vacation pay. A telephone hearing was scheduled and held on December 18, 2006, pursuant to due notice. The claimant did participate.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not correctly report vacation pay for the one-week period ending October 28, 2006. The employer reported wages of \$1,386.92 for the week ending October 28, 2006. During that same week, the claimant reported no wages. He did receive benefits in the amount of \$337.00 for the week at issue.

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 in the amount of \$337.00 pursuant to Iowa Code § 96.3(7), as the claimant did not correctly report vacation pay for the one-week period ending October 28, 2006. The representative's decision calculation is correct.

DECISION:

The November 22, 2006 reference 02, decision, is affirmed. The claimant is overpaid unemployment insurance benefits in the amount of \$337.00.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw