

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL W JONES**  
Claimant

**APPEAL NO. 10A-UI-11691-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/30/10**

**Claimant: Appellant (3)**

Section 96.3-7 – Recovery of Overpayment of Benefits  
Section 96.5-5 – Severance Pay  
Section 96.5-7 – Vacation Pay

**STATEMENT OF THE CASE:**

Michael W. Jones (claimant) appealed a representative's August 13, 2010 decision (reference 02) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 6, 2010. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 10A-UI-11690-DT. 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 affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits of \$374.00 as a result of the receipt of severance pay and vacation pay?

**FINDINGS OF FACT:**

A representative issued a decision dated August 13, 2010 (reference 01) that concluded the claimant was disqualified from receiving benefits for the two-week period ending June 12, 2010 as a result of receiving or entitlement to receive vacation pay from Charles Saul Engineering, Inc. (employer) attributable to that period. The overpayment decision was issued in this case as a result of that allocation decision. As determined in the concurrently issued decision in appeal 10A-UI-11690-DT, that pay allocation decision has now been affirmed, extending the period of disqualification due to the receipt of both severance pay and vacation pay through the benefit week ending June 26, 2010.

The claimant established a claim for unemployment insurance benefits effective May 30, 2010. The claimant received unemployment insurance benefits for the two benefit weeks ending June 12 and June 19, 2010 in the amount of \$748.00.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, pursuant to the disqualification decision issued on August 13, 2010 that has now been affirmed as amended, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$748.00. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's August 13, 2010 decision (reference 02) is affirmed as modified. The claimant is overpaid benefits of \$748.00.

---

Lynette A. F. Donner  
Administrative Law Judge

---

Decision Dated and Mailed

ld/kjw