

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF D FETTERER**  
Claimant

**APPEAL NO, 07A-UI-06731-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ZEEZ INC**  
Employer

**OC: 06/10/07 R: 04  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 2, 2007, reference 02, that concluded he was overpaid \$140.00 unemployment insurance benefits for the week ending June 16, 2007, due to the receipt of severance pay. A telephone hearing was held on July 18, 2007. The claimant participated in the hearing. Margo White participated in the hearing on behalf of the employer.

**FINDINGS OF FACT:**

The claimant worked for the employer through June 12, 2007. The claimant was paid wages for his hours worked through June 12, 2007. He did not receive any payments beyond his regular wages.

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 10, 2007. The employer responded to the notice of claim within ten calendar days of the date that it was mailed to the employer. In its response, the employer mistakenly designated the period from June 3 through June 12, 2007, as a period during which the claimant had received wages in lieu of notice. The claimant properly reported his earnings for the week ending June 16, 2007, on his weekly claim. He received benefits totaling \$340.00, which were reduced by the wages he had reported.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant received severance pay deductible from his unemployment insurance benefits.

Under the unemployment insurance law, an individual is disqualified from receiving unemployment insurance benefits for any week in which he claims unemployment insurance benefits and has severance pay or wages in lieu of notice attributable to the same week. Iowa Code § 96.5-5-a.

The claimant did not receive any severance pay for the week ending June 16, 2007, and was not overpaid any benefits for that week.

**DECISION:**

The unemployment insurance decision dated July 2, 2007, reference 02, is reversed. The claimant is eligible to receive unemployment insurance benefits for the week ending June 16, 2007, and was not overpaid benefits.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw