

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFFREY A LEACH**  
Claimant

**APPEAL NO. 15A-UI-12835-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/20/15**  
**Claimant: Appellant (4)**

Iowa Code Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

Jeffrey Leach filed a timely appeal from the November 9, 2015, reference 02, decision that he was overpaid \$1,250.00 in benefits for three weeks between October 4, 2015 and October 24, 2015 due to receipt of severance pay. After due notice was issued, a hearing was held on December 9, 2015. Mr. Leach participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-12834-JTT. Department Exhibits D-1, D-2 and D-3 were received into evidence. The parties waived formal notice on the vacation pay issue.

**ISSUE:**

Whether the claimant was overpaid \$1,250.00 in benefits for three weeks between October 4, 2015 and October 24, 2015 due to receipt of severance pay.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Jeffrey Leach established a claim for unemployment insurance benefits that was effective September 20, 2015. Workforce Development calculated Mr. Leach's weekly unemployment insurance benefit amount to be \$463.00. During the weeks that ended September 26 and October 3, 2015, Mr. Leach reported \$810.00 in wages and received zero unemployment insurance benefits. During the weeks that ended October 10, 17 and 24, 2015, Mr. Leach reported zero wages and received \$463.00 in weekly benefits. The total amount of unemployment insurance benefits disbursed to Mr. Leach was \$1,389.00.

On November 9, 2015, an Iowa Workforce Development claims deputy entered a reference 01, decision that denied benefits for the four-week period ending October 17, 2015, based on an Agency conclusion that Jeffrey Leach had received or was entitled to receive severance pay that was deductible from his unemployment insurance benefits. The reference 01 decision prompted the overpayment decision from Mr. Leach's appeals in this matter. The reference 01

decision has been modified on appeal to deny benefits for the week that ended September 26 and October 3, 2015, and to reduce the claimant's benefit eligibility for the week that ended October 10, 2015 from \$463.00 to \$139.00. The reference 01 decision was also modified on appeal to indicate that no severance pay decision would be taken for benefit weeks subsequent to the week that ended October 10, 2015. See Appeal Number 15A-UI-12834-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits. Based on the modification of the November 9, 2015, reference 01, severance pay issue, the evidence indicates that Mr. Leach was overpaid \$324.00 in benefits for the week that ended October 10, 2015. The evidence does not establish that Mr. Leach was overpaid benefits for the weeks that ended October 17 or 24, 2015.

**DECISION:**

The November 9, 2015, reference 02, decision is modified as follows. The claimant was overpaid \$324.00 in benefits for the week that ended October 10, 2015, due to receipt of severance pay. The claimant was not overpaid benefits for the weeks that ended October 17 or 24, 2015.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs