

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JOSIE SCHEMMEL**  
Claimant

**APPEAL NO. 20A-UI-12303-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**

**OC: 03/29/20**  
**Claimant: Appellant (2R)**

Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Josie Schemmel filed a timely appeal from the September 22, 2020, reference 02, decision that concluded she had been overpaid \$225.00 in regular unemployment insurance for the week that ended April 11, 2020, due to incorrectly reporting wages earned with Mercy Health Services – Iowa. After due notice was issued, a hearing was held on December 4, 2020. Ms. Schemmel participated in the hearing. Exhibits A, B and C were received into the hearing record at the time of the hearing. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, KPYX. The April 21, 2020, Request for Adjustment of Benefits, the Decision Overpayment Worksheet, and the overpayment balance located at [uioverpayments.iowa.gov/Overpayment](http://uioverpayments.iowa.gov/Overpayment). The administrative law judge left the hearing record open for the purpose of allowing the claimant to provide additional documentation. The claimant provided a work schedule and a page of handwritten notes. The additional materials were received into evidence as Exhibits D and E.

**ISSUE:**

Whether the claimant was overpaid \$225.00 in regular unemployment insurance benefits for the week that ended April 11, 2020, due to incorrectly reporting wages earned with Mercy Health Services – Iowa.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Josie Schemmel is employed by MercyOne Dubuque as a full-time nurse. Ms. Schemmel established an original claim for unemployment insurance benefits that was effective March 29, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$500.00. Ms. Schemmel made weekly claims for the six weeks between March 29, 2020 and received unemployment benefits for each of those weeks. For the week that ended April 11, 2020, Ms. Schemmel reported \$400.00 in wages and received \$225.00 in regular benefits, as well as \$600.00 in Federal Pandemic Unemployment Compensation (FPUC). During the week that ended April 11, 2020, Ms. Schemmel worked 14.5 hours, for which she earned \$382.75 in wages. Ms. Schemmel did not receive any other wages or payment from the employer for the week that ended April 11, 2020.

On April 21, 2020, Ms. Schemmel contacted Iowa Workforce Development and spoke with an Agency representative about a "COVID Leave" payment she learned about that day when she checked her work schedule. Ms. Schemmel had been off work the entire week of April 12-18, 2020 due to having partial symptoms of COVID-19 and due to her husband having multiple symptoms consistent with COVID-19. Ms. Schemmel's employer had told her that her time off work for the week that ended April 18, 2020 would be unpaid. However, when Ms. Schemmel checked the work schedule on April 21, 2020, she saw that the employer had noted paid leave for 27 hours for the period of April 15-17, 2020. Ms. Schemmel's base wage is \$23.80 per hour. Thus, the value of the paid leave was \$642.60, without accounting for any applicable shift differential or additional payment for charge nurse duties. Through a miscommunication, the Workforce Development representative left the April 21, 2020 telephone call under the impression that payment in question applied to the week that ended April 11, 2020, when the payment actually applied to the week that ended April 18 2020. The IWD representative adjusted Ms. Schemmel's wage report for the week that ended April 11, 2020, determined that the additional wages reduced Ms. Schemmel's eligibility for benefits to zero, and determined that Ms. Schemmel had been overpaid \$225.00 in regular benefits for the week.

On May 1, 2020, Ms. Schemmel received in her credit union account a net deposit of \$377.21 as COVID leave compensation for the 27 hours of paid leave applicable to the week that ended April 18, 2020. Ms. Schemmel requested that the employer rescind the payment so as to not interfere with her unemployment insurance benefit eligibility. The employer complied and reversed the \$377.21 direct deposit on May 1, 2020. For the week that ended April 18, 2020, Ms. Schemmel had worked zero hours and had reported zero wages.

#### **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, Iowa Workforce Development must recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

The decision appealed in this matter pertained to a purported \$225.00 overpayment of regular benefits during for the week that ended April 11, 2020. The evidence in the record establishes an underpayment of benefits for that week, based on Ms. Schemmel over-reporting her wages for that week when she make her weekly claim. The evidence does not establish an overpayment of benefits for the week that ended April 11, 2020.

This matter will be remanded to the Benefits Bureau for determination of the benefit eligibility for the week that ended April 11, 2020, based on the \$382.75 in actual wages for that week and for further action as the Benefits Bureau deems appropriate regarding the week that ended April 18, 2020, in light of the testimony provided by the claimant regarding that week.

**DECISION:**

The September 22, 2020, reference 02, decision is reversed. The claimant was not overpaid \$225.00 in regular benefits for the week that ended April 11, 2020.

This matter is **remanded** to the Benefits Bureau for redetermination of the benefit eligibility for the week that ended April 11, 2020, based on the \$382.75 in actual wages for that week and for further action as the Benefits Bureau deems appropriate regarding the week that ended April 18, 2020, in light of the testimony provided by the claimant regarding that week.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in black ink on a light gray rectangular background.

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James E. Timberland  
Administrative Law Judge

December 11, 2020  
Decision Dated and Mailed

jet/mh