

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LYNDA K HOFER
147 EASTVIEW DR NW
CEDAR RAPIDS IA 52405

IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 04A-UI-02306-CT
OC: 01/04/04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Lynda Hofer filed an appeal from a representative's decision dated February 20, 2004, reference 02, which held she had been overpaid job insurance benefits. After due notice was issued, a hearing was held by telephone on March 24, 2004. Ms. Hofer participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Hofer filed a claim for job insurance benefits effective January 4, 2004. She was initially advised that she was eligible to receive \$300.00 per week. However, there were wages on her record which had been reported in error under her social

security number. After deletion of the erroneous wage credits, Ms. Hofer was only eligible to receive \$138.00 per week. She received the \$300.00 amount for each of the six weeks ending February 14, 2004.

Ms. Hofer is in the process of filing a claim for omitted wage credits for the third quarter of 2003.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Hofer has been overpaid job insurance benefits. She was not entitled to receive the \$300.00 per week because it was not based totally on wage credits earned by her. The difference between what she received and what she was entitled to receive constitutes an overpayment and must be repaid in accordance with Iowa Code Section 96.3(7).

Ms. Hofer may have additional wage credits added to her records at some future point. Those wage credits may affect the amount she is eligible to receive each week and, consequently, may affect the net amount of the overpayment.

DECISION:

The representative's decision dated February 20, 2004, reference 02, is hereby affirmed. Ms. Hofer has been overpaid \$972.00 in job insurance benefits for the six weeks ending February 14, 2002.

cfc/s