

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHRISTOPHER D WOODSIDE**  
Claimant

**APPEAL 22A-UI-07378-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SDH EDUCATION WEST LLC**  
Employer

**OC: 05/24/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.3(7) - Recovery of Benefit Overpayment  
Iowa Code § 96.1A(37) - Total, Partial and Temporary Unemployment  
Iowa Code § 96.5(5) - Payment - Other Compensation

**STATEMENT OF THE CASE:**

Christopher Woodside, claimant/appellant, appealed the March 22, 2022, (reference 01) unemployment insurance decision finding claimant was overpaid unemployment insurance benefits in the amount of \$1,014.00 for 11-weeks between 06/07/2020 and 08/22/2020, due to incorrectly reporting wages earned with SDH Education West, LLC, employer/respondent. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for May 9, 2022. Claimant personally participated. Employer did not participate. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-07378-DH-T, and 22A-UI-07383-DH-T. Judicial notice was taken of the administrative record.

**ISSUES:**

Is the claimant overpaid benefits which must be repaid?  
Was the claimant totally, partially, or temporarily unemployed?  
Did the claimant correctly report wages earned?  
Is the claimant eligible for benefits based upon wages earned?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant filed a claim for unemployment insurance benefits with an effective date of 05/24/2020 due to him being laid off from work around May 20, 2020. Claimant recalls working in June 2020 and again in August 2020. His weekly benefit amount is \$481.00. He submitted claims from the benefit week ending May 30, 2020, through the benefit week ending August 22, 2020

The department requested a wage record and the employer reported that claimant was paid wages for the weeks ending June 13, 20, July 11, 18 and August 22, 2020, that claimant failed to report. The Employer is also known as SODEXO.

The below table shows the benefit week ending for the wages reported by claimant and employer that conflicted. How much claimant was paid, versus what he was entitled to and whether that resulted in an underpayment or overpayment and the net overpayment amount.

Week Ending	Wages Reported By		Unemployment Benefits		Underpaid	Overpaid
	Claimant	Employer	Paid	Entitled		
06/13/20	\$0.00	\$500.00	\$481.00	\$0.00		\$481.00
06/20/20	\$0.00	\$500.00	\$481.00	\$0.00		\$481.00
07/11/20	\$0.00	\$76.00	\$481.00	\$481.00		
07/18/20	\$0.00	\$76.00	\$481.00	\$481.00		
08/22/20	\$245.00	\$297.00	\$356.00	\$304.00		\$52.00
Total						\$1,014.00

**REASONING AND CONCLUSIONS OF LAW:**

The first issue in this case is whether the claimant failed to report wages. It is found that claimant failed to report wages in the amount of \$1,204.00 for the weeks in question as set out in the above table.

Iowa Code section 96.5(5) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

5. Other compensation.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

(1) Wages in lieu of notice, separation allowance, severance pay, or dismissal pay.

(2) Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

(3) A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment made under a plan maintained or contributed to by a base period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, this subparagraph shall only be applicable if the base period employer has made one hundred percent of the contribution to the plan.

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraph "a", subparagraph (1), (2), or (3), were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer's account shall be charged with benefits so paid. However, compensation for service-

connected disabilities or compensation for accrued leave based on military service by the beneficiary with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual otherwise qualified from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

Here, claimant received payment of wages, for a total amount of \$1,204.00 in unreported wages for the above weeks, weeks ending June 13, 20, July 11, 18 and August 22, 2020, as reflected in the table.

The next issue in this case is whether the claimant is totally, partially, or temporarily unemployed. It is found that he was not unemployed for the week in question.

Iowa Code section 96.1A(37) provides:

“Total and partial unemployment”.

a. An individual shall be deemed “totally unemployed” in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed “partially unemployed” in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed “temporarily unemployed” if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated

Claimant was not temporarily unemployed, as the dates in question were beyond four weeks of consecutive unemployment. Claimant was partially unemployed for the weeks ending July 11, 18 and August 22, 2020. Claimant was not unemployed for weeks ending June 13, and 20, 2020.

The last issues are whether claimant was eligible for benefits/overpaid benefits which are to be repaid. The above chart shows claimant was not eligible for any benefits for certain weeks in question that were paid and not eligible for as much benefits paid in another week in question and therefore there was an overpaid \$1,014.00 in benefits that are to be repaid.

Employer reports that claimant performed work during the weeks in question, and/or received payment for wages and vacation during the week in question. This payment exceeds his weekly benefit amount plus fifteen dollars for some of the weeks in question and as such, he was not

eligible for benefits for those weeks in question. In another week, he earned enough to reduce what he should have received in that week.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since claimant was not eligible for benefits for two weeks and not eligible for full benefits for another week, all of which he was paid benefits, as reflected in the chart, claimant was overpaid unemployment insurance benefits in the amount of \$1,014.00 and repayment is required.

**DECISION:**

The March 22, 2022, (reference 01) unemployment insurance decision is **AFFIRMED**. Claimant failed to correctly report wages and was overpaid benefits in the amount of \$1,014.00 for the for the 11-week period between June 7, 2020 and August 22, 2020, that shall be repaid.



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Darrin T. Hamilton  
Administrative Law Judge

June 17, 2022  
Decision Dated and Mailed

dh/mh