

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOEL M KAASA
Claimant

APPEAL NO: 14A-UI-09877-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/09/14
Claimant: Appellant (4)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Joel M. Kaasa (claimant) appealed a representative's September 12, 2014 (reference 05) decision that concluded he was overpaid unemployment insurance benefits due to receipt of vacation pay. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 14, 2014. This appeal was consolidated for hearing with related Appeal No. 14A-UI-09876-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision reversing the representative's decision.

ISSUE:

Was the claimant's vacation pay properly allocated and deducted?

FINDINGS OF FACT:

A representative issued a decision dated September 12, 2014 (reference 04) that concluded the claimant was disqualified from receiving benefits for a three week period ending March 8, 2014 due to the receipt of vacation pay. The claimant timely appealed that decision and in the concurrently issued decision, in Appeal No. 14A-UI-09876-DT, that decision has been modified to apply all of the vacation pay to the benefit week ending February 22, 2014.

The overpayment decision was issued in this case as a result of the September 12, 2014 (reference 04) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$1224.00. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits for which he subsequently was deemed ineligible in the representative's decision issued on September 12, 2014 (reference 04). The disqualification

from that decision has been modified in the concurrently issued decision in 14A-UI-09876-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits in the amount of \$1224.00. Rather, he is only overpaid benefits in the amount of \$408.00 for the week ending February 22, 2014.

DECISION:

The representative's September 12, 2014 (reference 05) decision is modified in favor of the claimant. The claimant was only overpaid benefits in the amount of \$408.00 for the week ending February 12, 2014.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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