

**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**

**AMY SCHELLENBERG  
4315 N PINE  
DAVENPORT IA 52806**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-11328-AT  
OC: 10/0205 R: 04  
Claimant: Appellant (5-R)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Amy Schellenberg filed a timely appeal from an unemployment insurance decision dated November 1, 2005, reference 04, which ruled that she had been overpaid \$338.00 for the two weeks ending October 15, 2005. Due notice was issued for a telephone hearing to be held November 17, 2005. Ms. Schellenberg did not provide a telephone number at which she could be contacted. The administrative law judge takes official notice of agency benefit payment records and decision records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Amy Schellenberg received unemployment insurance benefits in the gross amount of \$338.00 for the two weeks ending October 15, 2005. In decision 05A-UI-11327-AT this administrative law judge has directed the agency to recompute the claimant's weekly and maximum benefit amounts and to make a determination as to whether the claimant meets the eligibility requirements of Iowa Code section 96.4-3.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Schellenberg must repay all or a portion of the unemployment insurance benefits she has received. The administrative law judge concludes that he does not have sufficient evidence at this time to determine the exact amount of the overpayment.

The evidence in the record establishes that Ms. Schellenberg is potentially entitled to receive a reduced level of benefits provided she can establish eligibility under Iowa Code section 96.4-3 for the two weeks ending October 15, 2005. She had been overpaid at the minimum by the difference between the \$338.00 she had received and the reduced amount of benefits she would be entitled to after the recomputation deleting wages from Lorbil Enterprises, Inc. Recomputation of the overpayment is remanded to the Unemployment Insurance Services Division.

DECISION:

The unemployment insurance decision dated November 1, 2005, reference 04, is modified without present effect. The claimant has been overpaid by an amount which cannot be determined at this time. The agency shall first determine whether the claimant meets the eligibility requirements of Iowa Code section 96.4-3 for the two weeks in question and recompute the claimant's benefits. It shall then reissue an overpayment decision for the appropriate amount.

dj/kjw