

**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**

**SCOTT R BROWN  
3308 RIDGE AVE  
SIOUX CITY IA 51106**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-04275-SWT  
OC: 10/09/05 R: 01  
Claimant: Appellant (1-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 Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 12, 2006, reference 05, that concluded he was overpaid \$324.00 in unemployment insurance benefits. A telephone hearing was held on May 4, 2006. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 9, 2005. His weekly benefit amount was determined to be \$324.00. The claimant was informed and understood that under the unemployment insurance law, he was required to report the wages he earned during any week in which he worked.

The claimant worked and earned \$425.00 in wages from Aaron's Rentals (also known as Northern Rentals Corporation) during the week ending February 18, 2006, which is over his earnings limit of \$339.00. The claimant filed for and received a total of \$324.00 in unemployment insurance benefits for the week ending February 18, 2006. He did not report his earnings on his weekly claim.

After working one week for Aaron's Rentals, he quit the job but did not report that fact that he had quit to the Agency.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

Iowa Code section 96.19-38-b provides that a claimant is eligible for benefits if his earnings are less than his weekly benefit amount plus \$15.00. The claimant was overpaid \$324.00 in unemployment insurance benefits because his earnings for the week were over his earnings limit of \$339.00.

#### DECISION:

The unemployment insurance decision dated April 12, 2006, reference 05, is affirmed. The claimant was overpaid \$324.00 in unemployment insurance benefits, which must be repaid. The issue of whether the claimant is disqualified from receiving benefits based upon his separation from employment with Aaron's Rentals is remanded for an investigation and determination.

saw/kkf