

**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**

**BRUCE M MIELL
208 KOHL ST
MARTELLE IA 52305**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-01519-SWT
OC: 12/04/05 R: 03
Claimant: Appellant (4)**

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 96.5-7 - Vacation Pay

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 30, 2006, reference 07, that concluded he was overpaid \$339.00 in unemployment insurance benefits for the weeks ending December 17, 2005, due to the receipt of vacation pay. A telephone hearing was held on February 23, 2006. The claimant participated in the hearing. Exhibit A-1 was admitted into evidence at the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 4, 2005. The claimant filed for and received a total of \$187.00 in unemployment insurance benefits for the week ending December 10, 2005. He filed for and received a total of \$339 in unemployment insurance benefits for the week ending December 17, 2005.

The unemployment insurance decision dated January 30, 2005, reference 06, that denied benefits the claimant for the week ending December 17, 2005, has been modified in a decision of the administered of law judge in appeal 06A-UI-01518-SWT. The claimant was determined ineligible for benefits for the week ending December 10, 2005, but eligible for benefits for the week ending December 17, 2005.

REASONING AND CONCLUSIONS OF LAW:

The next 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.

As a result of the decision in appeal 06A-UI-01518-SWT, the claimant was overpaid \$187.00 for the week ending December 10, 2005. The claimant was not overpaid any unemployment benefits for the week ending December 17, 2005.

DECISION:

The unemployment insurance decision dated January 30, 2006, reference 07, is modified in favor of the claimant. The claimant was overpaid \$187.00 for the week ending December 10, 2005. He was not overpaid any unemployment benefits for the week ending December 17, 2005.

saw/s