

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CASEY R GRAY
Claimant

APPEAL 17A-UI-13439-JC

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/11/17
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.5(5)– Receipt of Pension

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 22, 2017, (reference 02) decision that concluded the claimant was overpaid benefits in the amount of \$2,610.00 in unemployment insurance benefits for the period of August 27, 2017 through October 7, 2017, due to the receipt of a lump sum 401K payout.

The parties were properly notified about the hearing. An in-person hearing was held in Des Moines (1000 East Grand Avenue) on January 23, 2018. The claimant participated personally. Juli Putzier, Job Insurance Quality Auditor II, also participated. Department's Exhibits A and Claimant's Exhibit 1 were received into evidence. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid benefits in the amount of \$2,610.00?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of June 11, 2017. The claimant filed his claim in response to his permanent separation with Electrical Power Products. The claimant filed for and received a total of \$2,610.00 in unemployment insurance benefits for the weeks between August 27, 2017 and October 7, 2017.

As a result of being selected for a quality control audit, it was discovered that the claimant received a lump sum 401K hardship payout on September 14, 2017, in the (gross) amount of \$5,330.94. The amount was prorated and deducted from benefits received, beginning August 30, 2017, (rather than September 14, 2017) resulting in the establishment of an overpayment in the amount of \$2,610.00. This decision also detailed the overpayment as follows:

WEEK ENDING	WAGES PER CLAIMANT	WAGES PER EMPLOYER	UI BENEFITS PAID	UI BENEFITS ENTITLED	OVERPAYMENT OF BENEFITS
09/02/17	0	416.00	450.00	34.00	416.00
09/09/17	0	694.00	450.00	0	450.00
09/16/17	0	694.00	450.00	0	450.00
09/23/17	0	694.00	450.00	0	450.00
09/30/17	0	694.00	450.00	0	450.00
10/07/17	168.00	694.00	394.00	0	394.00
				SUBTOTAL	2610.00
				NET TOTAL	2610.00

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits (and reduced benefits) based upon receipt of the lump sum 401K hardship payout, has been reversed in a decision of the administrative law judge in appeal 17A-UI-13436-JC.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid \$2,610.00 unemployment insurance benefits.

Iowa Code section 96.3(7)a, as amended in 2008, provides:

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 the decision disqualifying the claimant has been reversed, in appeal 17A-UI-13436-JC, the overpayment derived from the decision is also reversed. Based on the evidence presented, the administrative law judge concludes the claimant was not overpaid benefits in the amount \$2,610.00.

DECISION:

The unemployment insurance decision dated December 22, 2017, (reference 02) is reversed.
The claimant was not overpaid benefits in the amount of \$2,610.00.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs