

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWIN G MADISON
Claimant

APPEAL NO. 12A-UI-02960-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/04/11
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Edwin G. Madison filed a timely appeal from an unemployment insurance decision dated March 21, 2012, reference 03, that ruled he had been overpaid a net amount of \$72.00 in unemployment insurance benefits upon a finding that he had incorrectly reported his weekly earnings from Western Iowa Tech Community College. After due notice was issued, a hearing was held in Sioux City, Iowa, on May 21, 2012, on a consolidated record with 12A-UI-02682-A. Mr. Madison participated on his own behalf. Claimant Exhibit A and Agency Exhibits D-1 and D-2 were admitted into evidence.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Edwin G. Madison received unemployment insurance benefits for the weeks beginning September 4, 2011, and ending December 17, 2011. During these weeks, he was employed as an adjunct instructor at Western Iowa Tech Community College. He taught classes each week and also attended some training for which he was paid. Mr. Madison was paid a monthly salary by Western Iowa Tech Community College. He divided his monthly salary by five and reported that amount each week that he was receiving unemployment insurance benefits. He did not report his actual earnings by calendar week. As a result of his estimates, he received a total of \$72.00 more in unemployment insurance benefits than he should have received.

REASONING AND CONCLUSIONS OF LAW:

An individual may receive unemployment insurance benefits even if the individual is only partially unemployed. The Employment Security Law requires that an individual report actual earnings for each calendar week that the individual requests benefits. Although Mr. Madison made a good-faith estimate of his earnings, he did not report the earnings in the manner that the law requires. As a result, he received more in benefits than he would have received had his earnings been accurately reported.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid, even if the individual who received those benefits is not at fault for the overpayment. Since Mr. Madison received more than he should have, the difference must be repaid.

DECISION:

The unemployment insurance decision dated March 21, 2012, reference 03, is affirmed. The claimant has been overpaid the net amount of \$72.00 for the period of September 4, 2011, through December 17, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw