

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTORIA M RIOS

Claimant

APPEAL NO: 09A-UI-14756-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/18/09

Claimant: Appellant (5)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Victoria M. Rios (claimant) appealed a representative's September 16, 2009 decision (reference 02) that concluded she had been overpaid unemployment insurance benefits for the week ending May 23, 2009 as a result of a failure to report or incorrectly reporting wages listed as being from Iowa Reinforcing Steel, L.L.C. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 28, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Whether the claimant is overpaid unemployment insurance benefits of \$400.00 for the week ending May 23, 2009?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective January 18, 2009. Her weekly benefit amount was calculated to be \$375.00. She filed a weekly claim for the week ending May 23, 2009 in which she reported no wages earned that week. As a result, she was paid benefits in the full amount of \$375.00 plus the \$25.00 economic stimulus payment. However, in fact the claimant earned \$426.00 in wages that week. When she made her weekly continued claim for that week she had problems entering her claim on her phone and misreported receiving no wages. However, her wages were not from Iowa Reinforcing Steel; rather, they were from Woody's Rebar Co., Inc.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. The administrative law

judge concludes that the claimant was overpaid unemployment insurance benefits in the amount of \$400.00 pursuant to Iowa Code § 96.3-7 as the claimant did not correctly report her wages for the week ending May 23, 2009.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$400.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's September 16, 2009 decision (reference 02) is affirmed as modified with no effect on the claimant. The claimant is overpaid benefits of \$400.00 due to receiving wages from Woody's Rebar Co., Inc. for the week ending May 23, 2009.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs