

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WENDY J TAYLOR
Claimant

APPEAL NO: 22A-UI-03394-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/06/20
Claimant: Appellant (1)

Iowa Code section 96.4(3)a – Ability to and Availability for Work
Iowa Code section 96.1A(37) – Totally, Partially and Temporarily Unemployed
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 13, 2022, (reference 04) unemployment insurance decision that concluded she was overpaid \$69.00 in regular unemployment insurance benefits because she failed to properly report wages. After proper notice, a telephone hearing was conducted on April 30, 2022. The hearing was held jointly with appeal 22A-UI-03395-SN-T. The claimant participated. Official notice of the administrative records was taken, including the documents generated at factfinding.

ISSUES:

Whether the claimant accurately reported her wages?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of 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 December 6, 2020. The claimant's weekly benefit amount is \$363.00. One quarter of \$363.00 is \$90.75.

	Earnings	Date Issued	How Paid	Benefits Paid
04/03/21	\$196.00	04/05/21	Direct Deposit	\$209.00
04/17/21	\$338.00	04/19/21	Direct Deposit	\$131.00
05/08/21	\$269.00	05/10/21	Direct Deposit	\$136.00
05/22/21	\$344.00	05/24/21	Direct Deposit	\$0.00
05/29/21	\$334.00	06/01/21	Direct Deposit	\$71.00
06/05/21	\$270.00	06/07/21	Direct Deposit	\$135.00
06/19/21	\$314.00	06/21/21	Direct Deposit	\$91.00

The following section describes earnings information provided by the employer and corrections to the claimant's receipt of benefits on the right-hand side:

04/03/21	\$210.92	\$14.00
04/17/21	\$611.73	\$31.00
05/08/21	\$732.38	\$12.00
05/22/21	\$562.26	\$0.00
06/05/21	\$682.65	\$89.00
06/19/21	\$576.34	\$91.00

The claimant does not disagree with the employer's correction to her earnings reports. However, the claimant maintains that she was attempting to report her earnings in good faith. As soon as she suspected her earnings were off, the claimant called Iowa Workforce Development to correct them on April 9, 2021. A representative, Maria Cortez, informed the claimant that there was nothing Iowa Workforce Development could do to correct the error.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.4(3)a provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. a. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Code section 96.1A(37) provides:

Totally unemployed", "partially unemployed", and "temporarily unemployed.

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed "partially unemployed" in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed "temporarily unemployed" if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Iowa Code section 96.3(7) provides, in pertinent part:

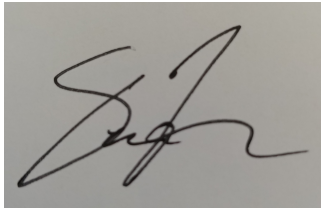
7. Recovery of overpayment of benefits.

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.

After making the correction to her earnings each week, the claimant was overpaid \$237.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 13, 2022, (reference 04), is affirmed. The claimant was overpaid \$237.00 in regular, state unemployment insurance benefits.



Sean M. Nelson
Administrative Law Judge
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May 27, 2022
Decision Dated and Mailed

smn/kmj