

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

Appeal Number: 05A-UI-01350-DWT
OC: 01/11/04 R: 03
Claimant: Appellant (1)

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.

DENNIS C HARTWIG
202 N STUB
WHAT CHEER IA 50268

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 are 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.

MAXWELL TILING INC
10833 HWY 21
GIBSON IA 50104

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits
871 IAC 24.18 – Wage Deduction from Maximum Weekly Benefit Amount

STATEMENT OF THE CASE:

Dennis C. Hartwig (claimant) appealed a representative's January 27, 2005 decision (reference 02) that concluded he had been overpaid \$229.00 in benefits for the week ending January 1, 2005 because he failed to report his wages. A telephone hearing was scheduled on February 23, 2005. The claimant participated in the hearing. David Maxwell appeared on the employer's behalf. Before the claimant abruptly hung up the phone and disconnected himself from the hearing, he said he earned wages for the week ending January 1, 2005, but had not filed a claim for this week and had not received any benefits for this week. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant had established a claim for benefits during the week of January 11, 2004. The claimant reopened his claim and filed a claim for the week ending January 1, 2005. The claimant earned wages of \$304.00 during the week ending January 1, 2005. The claimant filed a claim for the week ending January 1, 2005. He did not report any wages for this week. On January 4, 2005, the Department made a direct deposit of \$900.00 to the claimant's bank account. The money the Department direct deposited into the claimant's bank account amounted to \$300.00, the claimant's maximum weekly amount, for the weeks ending December 18, 25, 2004, and January 1, 2005

REASONING AND CONCLUSIONS OF LAW:

Even though the claimant asserted he did not file a claim for the week ending January 1, 2005, the records establish the claimant received \$300.00 in benefits for this week. The claimant decided he would not participate in the hearing. Therefore, the information that must be relied upon in this decision is the administrative record, which shows the Department paid the claimant benefits for the week ending January 1, 2005.

An individual may earn a weekly sum equal to the maximum weekly benefit plus \$15.00 before being disqualified for having excessive earnings. If the claimant earns less than \$315.00, the wage deduction is a sum equal to the individual's weekly benefit amount less that part of wages, payable to the claimant in excess of one-fourth of the individual's weekly benefit amount. 871 IAC 24.18. The clamant has been overpaid \$229.00 in benefits for the week ending January 1, 2005.

DECISION:

The representative's January 27, 2005 decision (reference 02) is affirmed. The claimant has been overpaid \$229.00 in benefits for the week ending January 1, 2005 because he did not report wages he earned for this week.

dlw/pjs