

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICKIE J JONES
Claimant

APPEAL NO. 16A-UI-10023-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/24/16
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Vickie Jones filed a timely appeal from the August 26, 2016, reference 03, decision that held she was overpaid \$747.00 in benefits for the three-week period of July 31, 2016 through August 20, 2016, based on an agency conclusion that she had received a lump sum pension payment that was deductible from her unemployment insurance benefits. After due notice was issued, a hearing was held on September 29, 2016. Ms. Jones participated. The hearing in the matter was consolidated with the hearing in Appeal Number 16A-UI-10022-JTT. Exhibit A and Department Exhibits D-1, D-2 and D-3 were received into evidence. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant and off-set benefits (DBRO).

ISSUES:

Whether the claimant was overpaid \$747.00 in benefits for the three-week period of July 31, 2016 through August 20, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Vickie Jones established an original claim for benefits that was effective April 24, 2016. Workforce Development calculated Ms. Jones' weekly benefit amount at \$290.00. The unemployment insurance benefits that Ms. Jones received included \$290.00 the weeks that ended August 6, 13 and 20, 2016.

On August 26, 2016, a Workforce Development claims deputy entered a reference 02 decision that denied benefits for the weeks that ended August 6 and 13, 2016, based on an agency conclusion that Ms. Jones had received a retirement account withdrawal, a portion of which was deductible from her unemployment insurance benefits. The reference 02 decision prompted the overpayment decision from which Ms. Jones appeals in this matter. The August 26, 2016,

reference 02, decision has been modified in Appeal Number 16A-UI-10022-JTT to affirm the denial of benefits for the weeks that ended August 6 and 13, 2016 and to reflect Ms. Jones' ineligibility for \$167.00 of the \$290.00 in benefits she received for the week that ended August 20, 2016.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

The August 26, 2016, reference 02, decision disqualified Ms. Jones for benefits for the weeks that ended August 6 and 13, 2016, based on her receipt of a retirement account payout, a portion of which was deductible from her unemployment insurance benefits. The administrative law judge decision in Appeal Number 16A-UI-10022-JTT affirmed the denial of benefits for the weeks that ended August 6 and 13, 2016. Accordingly, the \$580.00 in benefits that Ms. Jones received for two weeks constitutes an overpayment of benefits. The administrative law judge decision in Appeal Number 16A-UI-10022-JTT modified the August 26, 2016, reference 02, decision only to reflect what the claims deputy's analysis implied, that the claimant was ineligible for \$167.00 of the benefits she received for the week that ended August 20, 2016. Accordingly, \$167.00 of the benefits Ms. Jones received or the week that ended August 20, 2016 was an overpayment of benefits. The total overpayment for the three weeks between July 31, 2016 and August 20, 2016 was \$747.00. Ms. Jones was obligated to repay those benefits.

Accordingly to Workforce Development records, the overpaid benefits have been recovered through an offset of benefits that would otherwise have been disbursed to Ms. Jones for the benefits weeks that ended August 27, September 3, and September 10, 2016.

DECISION:

The August 26, 2016, reference 03, decision is affirmed as follows. The claimant was overpaid \$747.00 in benefits for the three-week period of July 31, 2016 through August 20, 2016. The claimant was obligated to repay the benefits. The overpaid benefits have been recovered through an offset of benefits that would otherwise have been disbursed to the claimant for the benefits weeks that ended August 27, September 3, and September 10, 2016.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs