

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BETTY A VAN HORN**  
Claimant

**APPEAL NO. 07A-UI-05587-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLMAN DYNAMICS**  
Employer

**OC: 03-19-06 R: 03  
Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 24, 2007, reference 05, decision that found the claimant overpaid unemployment insurance benefits. After due notice was issued, a hearing was held on June 20, 2007. The claimant did participate. The employer did not participate. Claimant's Exhibit A was received.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits because she incorrectly reported her vacation pay.

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The claimant was paid vacation pay in the amount of \$ 183.84 for 16 hours for the week ending December 30, 2006. The employer mistakenly believed that the claimant was paid \$191.00, because they believed she was working a different shift. The claimant properly reported the vacation pay she received. The claimant has not been overpaid unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid benefits.

Iowa Code § 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$8.00 pursuant to Iowa Code § 96.3(7), as the claimant correctly reported her receipt of vacation wages.

**DECISION:**

The May 24, 2007, reference 05, decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$8.00.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw