

IOWA DEPARTMENT OF INSPECTIONS & APPEALS  
DIVISION OF ADMINISTRATIVE HEARINGS  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 11-IWDUI-127  
**OC:** 6/13/10

**Claimant:** Appellant (4)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**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, 4<sup>th</sup> 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.

**MEGAN M. STEARNS-ZUNIGA**  
**3304 – 48<sup>th</sup> STREET**  
**DES MOINES, IA 50310-3216**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT**  
**INVESTIGATION AND RECOVERY**  
**150 DES MOINES STREET**  
**DES MOINES IA 50309**

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 is 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 the Department . 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.

JOE WALSH, IWD

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(Administrative Law Judge)

July 26, 2011

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(Decision Dated & Mailed)

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Section 96.3(7) - Overpayment

### STATEMENT OF THE CASE

Claimant Megan Stearns-Zuniga appealed an Iowa Workforce Development decision dated March 24, 2011, reference 05, found that she was overpaid \$1,767 for a seven week period between June 27, 2010, and August 28, 2010, because she failed to correctly report wages earned with Iowa Family Services. The decision further alleged that the overpayment was due to misrepresentation.

This case proceeded to a hearing by telephone on July 20, 2011. Appellant Megan Stearns-Zuniga appeared pro se and testified. Investigator Irma Lewis appeared and testified for

Iowa Workforce Development (IWD). Exhibits 1 through 7, entered the record without objection.

### **FINDINGS OF FACT**

The appellant received unemployment insurance benefits during the time period in question. A cross match audit revealed a discrepancy in the amount of wages reported by the appellant and the amount reported by her employer. (Exhibits 5, 6; Lewis testimony). IWD notified the appellant of the audit results and the calculation of the overpayment amount. (Exhibits 3, 4). The appellant promptly repaid the entire amount, \$1,767, upon learning of the overpayment. (Exhibit 1; Stearns-Zuniga testimony).

On March 24, 2011, IWD issued the decision under appeal, which held that the appellant had been overpaid in the amount of \$1,767, for seven weeks between June 27, 2010, and August 28, 2010. (Exhibit 2).

Ms. Lewis testified that the appellant reported wages through the online service or by telephone. Either way, the appellant had to certify that the information submitted regarding work and wages was correct. (Lewis testimony).

The appellant testified that she did not intend to receive any money to which she was not entitled. The appellant stated that the application and reporting processes were confusing to her, especially regarding the input of dates. The appellant stated that she promptly repaid the overpayment as soon as she knew about it. (Stearns-Zuniga).

### **CONCLUSIONS OF LAW**

The uncontested evidence in this case demonstrates that Ms. Stearns-Zuniga did receive overpayment of unemployment benefits in the amount alleged. Ms. Stearns-Zuniga freely admitted the receipt of these benefits and the fact that she was not entitled to them. She did not challenge the amount. Rather, Ms. Stearns-Zuniga stated that she did not intend to defraud the program, but rather got confused by the automated reporting system. Ms. Stearns-Zuniga testified credibly, and her testimony is supported by the fact of her prompt and complete repayment of the overpayment as soon as she became aware of the situation. No evidence in the record established misrepresentation on the appellant's part.

### **DECISION**

The decision dated March 24, 2011, reference 05 is **AFFIRMED**, as modified. The claimant has been overpaid benefits in the amount of \$1,767. There is no finding that the overpayment was due to misrepresentation.

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