

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIAM E FETTKETHER**  
Claimant

**APPEAL NO. 15A-UI-04650-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/22/15  
Claimant: Appellant (4)**

Iowa Code Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

William Fekkether filed a timely appeal from the April 10, 2015, reference 02, decision that he was overpaid \$1,248.00 for three weeks between March 8, 2015 and March 28, 2015. The decision stated the basis for the overpayment as receipt of severance pay from Fisher Incorporated. After due notice was issued, a hearing was held on May 27, 2015. Mr. Fekkether participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-04649-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant and received Exhibit A and Department Exhibit D-1 were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

**ISSUE:**

Whether the claimant was overpaid \$1,248.00 for three weeks between March 8, 2015 and March 28, 2015.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for unemployment insurance benefits that was effective February 22, 2015. Workforce Development calculated the claimant's weekly benefit amount to be \$416.00. During the week that ended February 28, 2015 and the week that ended March 7, 2015, the claimant reported wages and/or vacation pay exceeding \$999.00 and received zero benefits. For the weeks that ended March 14, March 21, March 28, and April 4, 2015, the claimant received \$416.00 in weekly benefits. For the weeks that ended April 11, April 18, and April 25, 2015, Workforce Development authorized \$416.00 in weekly benefits, but withheld those benefits to recover what the Agency at that point thought was an overpayment of benefits. The Agency thereafter resumed payment of the \$416.00 in weekly benefits.

On April 10, 2015, a Workforce Development claims deputy entered a reference 01 decision that denied benefits for the four weeks ending March 28, 2015, based on a conclusion that the claimant had received vacation pay that was deductible from his unemployment insurance benefits for those weeks. The reference 01 decision has been modified on appeal to restrict the

deduction of vacation pay to the benefit week ending February 28, 2015. See appeal number 15A-UI-04649-JTT. The reference 01 decision prompted the overpayment decision from which the claimant appeals in this matter. The reference 02 overpayment decision erroneously stated the basis for the overpayment decision as receipt of severance pay. The claimant did not receive any severance pay.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives unemployment insurance benefits and is deemed ineligible for the benefits, the claimant must repay the benefits and Workforce Development must recover the benefits even if the claimant was not at fault in receiving the benefits. Because the decision that prompted the overpayment decision has been modified on appeal to allow benefits for the three-week period between March 8, 2015 and March 28, 2015, provided the claimant is otherwise eligible, the administrative law judge concludes the claimant was not overpaid \$1,248.00 for three weeks between March 8, 2015 and March 28, 2015.

**DECISION:**

The April 10, 2015, reference 02, decision is reversed. The claimant was not overpaid \$1,248.00 for three weeks between March 8, 2015 and March 28, 2015.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css