

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANN M TOMANEK-CHALKLEY**  
Claimant

**APPEAL NO. 14A-UI-10410-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/23/14  
Claimant: Appellant (1)**

Section 96.3-7 - Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant, Ann Tomanek-Chalkley, appealed an unemployment insurance decision dated September 24, 2014, reference 03, that concluded she overpaid benefits due to the receipt of vacation pay. A telephone hearing was held on October 29, 2014. Tomanek-Chalkley participated in the hearing.

**ISSUE:**

Was Ann Tomanek-Chalkley overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Ann Tomanek-Chalkley filed a new claim for unemployment insurance benefits with an effective date of March 23, 2014. Her weekly benefit amount was determined to be \$354. Tomanek-Chalkley filed for and received \$354 per week for the weeks ending March 29, April 5, April 12, April 19, and April 26.

In a decision of the administrative law judge in appeal 14A-UI-10409-SWT, Tomanek-Chalkley was determined ineligible for benefits for the weeks ending March 29, April 5, April 12, and April 19. She was determined eligible for \$173 in benefits for the week ending April 26.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7.

Based on the decision in 14A-UI-10409-SWT, the claimant was overpaid a total of \$1,597 in benefits.

**DECISION:**

The unemployment insurance decision dated September 24, 2014, reference 03, is affirmed. The claimant was overpaid \$1,597 in unemployment insurance benefits.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs