

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUANITA M PATANI**  
Claimant

**APPEAL NO. 08A-UI-04585-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/06/08 R: 03**  
**Claimant: Appellant (2-R)**

Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Juanita Patani filed a timely appeal from the May 8, 2008, reference 02, decision that concluded she had been overpaid unemployment insurance benefits in the amount of \$509.00 for the three-week period between April 13, 2008 and May 3, 2008 as a result of a “redetermination” dated May 7, 2008. A hearing was scheduled for May 29, 2008 and Ms. Patani was properly notified. Ms. Patani was available for a hearing. Tagalog-English interpreter Alma Reed was available to assist with a hearing and did facilitate a conversation between the administrative law judge and Ms. Patani. Based on a review of the administrative file, and based on correspondence between the Appeals Section Administrative Assistant and the Claims Division, the administrative law judge concludes a hearing is not necessary.

**ISSUE:**

Whether Ms. Patani was overpaid \$509.00 in benefits for the three-week period between April 13, 2008 and May 3, 2008.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Patani established a claim for benefits that was effective April 6, 2008. Ms. Patani received unemployment insurance benefits in the amount of \$509.00 for the three-week period between April 13, 2008 and May 3, 2008. The claim for benefits was based on Ms. Patani being laid off from full-time employment at NCS Pearson (employer account number 127976). NCS Pearson is not a “base period employer” for purposes of benefits to be paid to Ms. Patani during the current benefit year that started on April 6, 2008. Ms. Patani had part-time supplemental employment at Fritsch Family Partners, L.L.C., doing business as Clarion Hotel & Convention Center (employer account 353841). At the time Ms. Patani established her claim in response to the layoff from full-time employment at NCS Pearson, she continued in the part-time supplemental employment at the Clarion Hotel and Convention Center under the same conditions as existed prior to the filing of her claim. The part-time employer is a “base period employer” for purposes of benefits to be paid to Ms. Patani during the current benefit year.

At the time Ms. Patani established her claim for benefits, Iowa Workforce Development calculated Ms. Patani's weekly benefit amount at \$178.00 and her maximum benefit amount at \$4,628.00.

On May 7, 2008, a Claims representative entered a reference 01 decision that Ms. Patani was eligible for unemployment insurance benefits, provided she was otherwise eligible. The decision also notified the part-time supplemental employer that it would not be charged for benefits paid in connection with Ms. Patani's current claim for benefits.

On May 7, 2008, a Claims representative erroneously "redetermined" Ms. Patani's eligibility for unemployment insurance benefits. The Claims representative erroneously eliminated all of Ms. Patani's base period wage credits. The Claims representative's error reduced Ms. Patani's benefit eligibility to zero and prompted the May 8, 2008 decision that Ms. Patani had been overpaid benefits.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 file information and correspondence with the Claims Division indicate that the overpayment decision was generated in error. The Claims Division has indicated it will take steps to correct the error. The administrative law judge concludes that Ms. Patani was not overpaid unemployment insurance benefits in the amount of \$509.00 for the three-week period between April 13, 2008 and May 3, 2008.

The administrative law judge further concludes that the matter should be remanded to the Claims Division so that Ms. Patani's eligibility for unemployment insurance benefits may be further evaluated in light of the present decision and May 7, 2008, reference 01, decision that allowed benefits.

### **DECISION:**

The May 8, 2008, reference 02 decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$509.00 for the three-week period between April 13, 2008 and May 3, 2008.

The matter is remanded to the Claims Division so that the claimant's eligibility for unemployment insurance benefits may be further evaluated in light of the present decision and May 7, 2008, reference 01, decision that allowed benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs