

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURIE A SMITH
Claimant

APPEAL NO. 07A-UI-07478-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ULTIMATE NURSING SERVICES OF IOWA
Employer

**OC: 04/08/07 R: 04
Claimant: Appellant (2)**

Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The claimant, Laurie Smith, filed an appeal from a decision dated July 31, 2007, reference 04. The decision found her overpaid \$81.00 for the one-week period ending June 30, 2007, due to the receipt of vacation pay. After due notice was issued, a hearing was scheduled to be held by telephone conference call on August 20, 2007. Prior to the hearing date, subsequent action by Iowa Workforce Development rendered the hearing unnecessary.

ISSUE:

The issue is whether the claimant is overpaid.

FINDINGS OF FACT:

Laurie A. Smith filed a claim for unemployment benefits with an effective date of April 8, 2007. The decision in the current appeal was issued finding her overpaid \$81.00 in unemployment benefits. A subsequent decision was issued on August 15, 2007, reducing the overpayment to \$0.00, due to the receipt of additional information.

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 claimant is not overpaid in unemployment benefits.

DECISION:

The representative's decision of July 31, 2007, reference 04, is reversed. Laurie Smith is not overpaid \$81.00 in unemployment benefits for the one-week period ending June 30, 2007.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw