

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HURLEY A VAN BEMMEL
Claimant

APPEAL NO. 12A-UI-12918-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/23/12
Claimant: Appellant (3)**

Section 96.4-3 – Eligibility for Benefits
Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Hurley A. Van Bommel filed a timely appeal from an unemployment insurance decision dated October 23, 2012, reference 02, that allowed benefits to him but issued a warning upon a finding that he had not conducted an active work search for the week ending October 20, 2012. After due notice was issued, a telephone hearing was held November 13, 2012 with Mr. Van Bommel participating .

ISSUES:

Is the claimant eligible for unemployment insurance benefits for the week ending October 20, 2012?

Has the claimant been overpaid?

FINDINGS OF FACT:

Hurley A. Van Bommel was hospitalized from Sunday, October 14, 2012 until being released October 18, 2012, a Thursday. He has not yet been released to return to work. He did not conduct a work search during the week ending October 20, 2012 but received unemployment insurance benefits for the week in question.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-3 establishes the general eligibility requirements for receiving unemployment insurance benefits. For each week that an individual received benefits, the individual must be medically able to work. The evidence in the record establishes that Mr. Van Bommel was hospitalized for the majority of that week and has not been released by his physician to return to work in any event. Therefore, benefits must be denied.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid, even if the individual who has received the benefits is not at fault for the overpayment.

The evidence in the record establishes that Mr. Van Bommel received benefits in the gross amount of \$385.00 for the week in question. Those benefits must be repaid.

DECISION:

The unemployment insurance decision dated October 23, 2012, reference 02, is modified. The claimant is not eligible to receive unemployment insurance benefits for the week ending October 20, 2012. He has been overpaid \$385.00.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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