

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS W CARPENTER
Claimant

APPEAL NO: 15A-UI-07973-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/15

Claimant: Appellant (1)

Section 96.3-7 - Recovery of Overpayment of Benefits
Section 96.6-2 - Timeliness of Appeal

STATEMENT OF THE CASE:

Thomas W. Carpenter (claimant) appealed a representative's April 21, 2015 decision (reference 04) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 14, 2015. The claimant participated in the hearing. This appeal was consolidated for hearing with two related appeals, 15A-UI-07971-DLT and 15A-UI-07972-LDT. During the hearing, Exhibit A-1 was entered into evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$1,296.00.

FINDINGS OF FACT:

A representative issued two decisions dated April 21, 2015 (reference 02) and (reference 03) that concluded the claimant was disqualified from receiving benefits until December 19, 2015 due to the receipt of vacation pay and severance pay. As determined in the concurrently issued decisions in appeals 15A-UI-07971-LDT and 15A-UI-07972-LDT, the claimant did not timely appeal those decisions and they have now become final.

The overpayment decision was issued in this case particularly as a result of the April 21, 2015 (reference 02) disqualification decision.

The claimant established a claim for unemployment insurance benefits effective March 22, 2015. The claimant has received unemployment insurance benefits during the period covered by the vacation pay and severance pay in the amount of \$1,296.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$1,296.00.

As determined in the concurrently issued decisions in appeals 15A-UI-07971-DLT and 15A-UI-07972-LDT, the claimant did not timely appeal the decisions that caused the overpayment in this case. If the claimant had a dispute with whether or not he should have been disqualified as a result of the receipt of vacation pay or severance pay from the employer, then he needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). The decision causing the disqualification has now become final and is not subject to review in this case.

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. In this case, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$1,296.00 pursuant to Iowa Code § 96.3-7 due to the disqualification decisions issued on April 21, 2015. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's April 21, 2015 decision (reference 04) is affirmed. The claimant is overpaid benefits of \$1,296.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs