



DECISION OF COMMISSION

In the Matter of:

Eugene A. Singleton
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Date of Appeal
to Commission: September 2, 1986

Date of Review: September 25, 1986

Place: RICHMOND, VIRGINIA

Decision No.: 27588-C

Date of Mailing: September 26, 1986

Final Date to File Appeal
with Circuit Court: October 16, 1986

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This is a matter before the Commission as a result of an appeal filed by the claimant from the Decision of Appeals Examiner (UI-86-6331), mailed August 20, 1986.

ISSUE

Did the claimant receive any sum as benefits to which he was not entitled and is he liable to repay such sum to the Commission as provided in Section 60.1-132 of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

The claimant filed a timely appeal from the Appeals Examiner's decision which affirmed an earlier Deputy's determination declaring him to be overpaid unemployment compensation in the amount of \$93 and liable to repay such sum to the Commission.

The claimant had filed a claim for unemployment compensation effective November 10, 1985. On November 21, 1985, an initial

monetary determination was processed showing a base period beginning July 1, 1984, and ending June 30, 1985. During that base period, the claimant was shown as having wages totalling \$9,883.35 from the Great Atlantic Management Company, as well as earnings of \$1,694.75 from Saady & Hill Electrical Supply Company. Based upon these earnings, the claimant monetarily qualified for benefits in the amount of \$134 per week for up to twenty-two weeks. He was paid benefits in the amount of \$402 for the three-week period beginning November 10, 1985, and ending November 30, 1985.

When the claimant first got his monetary determination, he informed a local office representative that he had never worked for and had never heard of the Saady & Hill Electrical Supply Company. He was told that it probably had something to do with the Great Atlantic Management Company where he had worked and he may not have realized that there was another company involved. Nevertheless, on June 12, 1986, the claimant's monetary determination was reprocessed to remove the wages from the Saady & Hill Electrical Supply Company, leaving the claimant monetarily qualified for benefits in the amount of \$103 per week for up to twenty-four weeks.

OPINION

Section 60.1-132 of the Virginia Unemployment Compensation Act provides that any individual who has received any sum as benefits to which he was not entitled shall be liable to repay such sum to the Commission. In the event the claimant does not refund the overpayment, the Commission shall deduct from future benefits such sum payable to him under this title unless the overpayment occurred due to administrative error, in which case the Commission shall deduct only fifty percent of the payable amount for any future week of benefits claimed, rounded down to the next lowest dollar until the overpayment is satisfied.

In the present case, it is apparent that the claimant acted properly in immediately informing the Commission when he received his monetary determination that it was incorrect and he had not worked for the Saady & Hill Electrical Supply Company. It is also apparent that the Commission did not act upon this information for over six months, and the Commission concludes that this did represent administrative error. Nevertheless, between November 10, 1985, and November 30, 1985, the claimant received three weeks of benefits totalling \$402 when he should have only received
(Underscoring supplied).

\$309 as a result of his correct earnings during the base period of his claim. Even though this was due to administrative error, the fact remains that the claimant was overpaid unemployment compensation in the amount of \$93 for those three weeks, and he is liable to repay such sum to the Commission as outlined in the aforementioned section of the Act. (Underscoring supplied)

DECISION

The Decision of Appeals Examiner is hereby affirmed. It is held that the claimant is overpaid unemployment compensation due to administrative error in the amount of \$93, and he is liable to repay such sum to the Commission.


Charles A. Young, III
Special Examiner