

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KRISTINE L CARSKADON
Claimant

APPEAL 20A-UI-02650-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (4)

Iowa Code § 96.16(4) – DM – Misrepresentation

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 25, 2020 (reference 01) unemployment insurance decision that denied benefits due to an unpaid fraud overpayment balance. The parties were properly notified of the hearing. A telephone hearing was scheduled for May 4, 2020, at 1:00 p.m. Claimant did not participate. Iowa Workforce Development (IWD) submitted documents in lieu of participating in person. Department's Exhibits 1 – 3 were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 14, 2017, a decision was issued finding claimant was overpaid benefits in the amount of \$4,161.00, including interest and a 15% penalty due to fraud. (Exhibit 2) Claimant filed an initial claim for unemployment insurance benefits effective March 15, 2020. On April 6, 2020, claimant paid the fraud overpayment balance, including interest and penalty. (Exhibit 3) As of April 7, 2020, claimant has no fraud overpayment balance. (Exhibit 4)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest and lien fees, is paid in full.

Claimant paid the fraud overpayment balance, including interest and penalty on April 6, 2020. Therefore, benefits are allowed effective April 7, 2020, provided claimant is otherwise eligible.

DECISION:

The March 25, 2020 (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant is ineligible for benefits from March 15, 2020 through April 6, 2020 due to an unpaid fraud overpayment balance. Claimant is eligible for benefits effective April 7, 2020, provided she meets all other eligibility requirements.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

May 7, 2020
Decision Dated and Mailed

acw/scn