

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

NICOLE LINGELBACH
Claimant

APPEAL NO. 18A-UI-09323-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/05/18
Claimant: Appellant (2)

Iowa Code § 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Nicole Lingelbach filed a timely appeal from the September 4, 2018, reference 05, decision that held she was overpaid \$1,005.00 in unemployment insurance benefits for the three-week period of August 5-25, 2018, based on an earlier decision disqualified her for benefits in connection with her separation from a purported voluntary quit from Casey's Marketing Company. There had in fact been no previous decision that concluded Ms. Lingelbach had voluntarily the Casey's employment, but had been an earlier decision that Ms. Lingelbach was discharged from Casey's for excessive unexcused absenteeism. After due notice was issued, a hearing was held on September 25, 2018. Ms. Lingelbach participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-09322-JTT. Exhibits 1 through 6 and A were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to Ms. Lingelbach.

ISSUE:

Whether the claimant was overpaid \$1,005.00 in unemployment insurance benefits for the three-week period of August 5-25, 2018.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Nicole Lingelbach established an original claim for unemployment insurance benefits that was effective August 5, 2018. Ms. Lingelbach received \$1,005.00 in unemployment insurance benefits for the three-week period of August 5-25, 2018. On August 31, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 03 decision that disqualified Ms. Lingelbach for benefits, based on the deputy's conclusion that Ms. Lingelbach was discharged on August 4, 2018 for excessive unexcused absences. The August 31, 2018, reference 03, disqualification decision prompted the overpayment decision from which Ms. Lingelbach appeals in the present matter. The disqualification decision has been reversed in Appeal Number 18A-UI-09322-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits. Because the disqualification decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that Ms. Lingelbach was not overpaid \$1,005.00 in unemployment insurance benefits for the three-week period of August 5-25, 2018.

DECISION:

The September 4, 2018, reference 05, decision is reversed. The claimant was not overpaid \$1,005.00 in unemployment insurance benefits for the three-week period of August 5-25, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs