

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRY K MORITZ
Claimant

APPEAL NO. 15A-UI-05181-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/11/15
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Sherry Moritz filed a timely appeal from the April 29, 2015, reference 04, decision that she was overpaid \$622.00 in benefits for the three-week period of March 8-28, 2015, based on an Agency conclusion that she was not able and available for work during that period. After due notice was issued, a hearing was held on June 8, 2015. Ms. Moritz participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-05180-JTT. The administrative law judge took official notice of the agency's administrative record of wages reported by or for the claimant and benefits disbursed to the claimant (DBRO).

ISSUES:

Whether the claimant was overpaid \$622.00 in benefits for the three-week period of March 8-28, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sherry Moritz established a claim for benefits that was effective January 11, 2015. Workforce Development calculated her weekly benefit amount at \$235.00. Ms. Moritz received benefits that included \$622.00 for the three-week period of March 8-28, 2015. On April 28, 2015, a Workforce Development claims deputy entered a reference 03 decision that denied benefits for that three-week period, based on an Agency conclusion that Ms. Moritz was not available for work within the meaning of law during any of those three weeks. The reference 03 disqualification decision prompted the overpayment decision from which Ms. Moritz appeal in this matter. The disqualification for those three weeks has been affirmed in appeal number 15A-UI-05180-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, the claimant must repay the benefits and Workforce Development must recover the benefits, even if the claimant was not at fault in receiving the benefits. Because the decision that denied benefits for the three-week period of March 8-28, 2015 has been affirmed on

appeal, the administrative law judge concludes that the \$622.00 in benefits that Ms. Moritz received for that period constituted an overpayment of benefits that Ms. Moritz is required to repay. Workforce Development records establish that the overpayment for those three weeks has been recovered through an offsetting of benefits that would otherwise have been disbursed for later weeks.

DECISION:

The April 29, 2015, reference 04, decision is affirmed. The claimant was overpaid \$622.00 in benefits for the three-week period of March 8-28, 2015. The claimant must repay the benefits. The benefits have been recovered.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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