

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PEGGY J HENDRICKS
Claimant

APPEAL NO. 14A-UI-06878-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/11/14
Claimant: Appellant (2)

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

Peggy Hendricks filed a timely appeal from the June 27, 2014, reference 02, decision that she was overpaid \$960.00 in benefits for the five weeks between May 17, 2014 and June 14, 2014. After due notice was issued, a hearing was held on July 28, 2014. Ms. Hendricks participated and presented additional testimony through Dean Hendricks. The hearing in this matter was consolidated with the hearing in Appeal No. 14A-UI-06877-JTT. The administrative law judge took official notice of the Agency's administrative record of wages reported by or for the claimant and of benefits disbursed to the claimant (DBRO and WAGE-A).

ISSUE:

Whether Ms. Hendricks was overpaid \$960.00 in benefits for the five weeks between May 17, 2014 and June 14, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Peggy Hendricks established a claim for benefits that was effective May 12, 2014 and received \$960.00 in benefits for the five weeks between May 17, 2014 and June 14, 2014. On June 24, 2014 an Iowa Workforce Development representative entered a reference 01 decision that disqualified Ms. Hendricks based on her separation from the Oelwein Community School District. The reference 01 decision has been modified on appeal to allow benefits to Ms. Hendricks provided she is otherwise eligible. The overpayment decision on appeal in this matter was prompted by the reference 01 disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.3(7) provides that a claimant who receives benefits and is deemed ineligible for benefits must repay the benefits even if the claimant was not at-fault in receiving the benefits. Because the reference 01 decision that triggered the overpayment decision has been modified on appeal to allow benefits to Ms. Hendricks, provided she is otherwise eligible, the administrative law judge concludes that the claimant was not overpaid \$960.00 in benefits for the five weeks between May 17, 2014 and June 14, 2014.

DECISION:

The Claims Deputy's June 27, 2014, reference 02, decision is reversed. The claimant was not overpaid \$960.00 in benefits for the five weeks between May 17, 2014 and June 14, 2014.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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