

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRENT WILSON

Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 20A-UI-01195-JTT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

OC: 12/15/19

Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Brent Wilson filed a timely appeal from the February 4, 2020, reference 04, decision that held he was overpaid \$1,924.00 in benefits for four weeks between December 15, 2019 and January 11, 2020, based on an earlier decision that disqualified him for benefits in connection with voluntary quit from Bergs Towing. After notice was issued, a hearing was held on February 26, 2020 concerning the overpayment of benefits. Mr. Wilson participated. On March 2, 2020, Administrative Law Judge Blair Bennett entered a decision in connection with the appeal from the overpayment decision. On March 3, 2020, the undersigned administrative law judge reopened the hearing record in Appeal Number 20A-UI-00696-JTT, concerning Mr. Wilson's separation from Bergs Towing. On that same day, the undersigned administrative law judge reopened the hearing record in this matter and with the consent of Administrative Law Judge Blair Bennett. After due notice was issued, an additional hearing was held on March 13, 2020. Mr. Wilson participated. The March 13, 2020 hearing was consolidated with the reopened hearing record in Appeal Number 20A-UI-00696-JTT. The administrative law judge took official notice of the February 7, 2020 hearing record in Appeal Number 20A-UI-00696-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$1,924.00 in benefits for four weeks between December 15, 2019 and January 11, 2020, based on an earlier decision that disqualified him for benefits in connection with voluntary quit from Bergs Towing.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Brent Wilson, established an original claim for benefits that was effective December 15, 2019 and received \$1,924.00 in benefits for four weeks between December 15, 2019 and January 11, 2020. On January 17, 2020, and Iowa Workforce Development Benefits Bureau deputy entered a January 14, 2020, reference 03, decision that disqualified Mr. Wilson for benefits, based on the deputy's conclusion that Mr. Wilson had voluntarily quit employment with Bergs Towing on December 9, 2019 without good cause attributable to that employer. The

disqualification decision prompted the overpayment decision from which Mr. Wilson appeals in the present matter. The disqualification decision has been affirmed in Appeal Number 20A-UI-00696-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 recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

The claimant received \$1,924.00 in benefits for four weeks between December 15, 2019 and January 11, 2020, but has been disqualified for benefits. The disqualification decision has been affirmed on appeal. The benefits the claimant received are an overpayment of benefits that the claimant must repay.

DECISION:

The February 4, 2020, reference 04, decision is affirmed. The claimant was overpaid \$1,924.00 in benefits for four weeks between December 15, 2019 and January 11, 2020, based on a decision that disqualified him for benefits in connection with his voluntary quit from Bergs Towing. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

March 23, 2020
Decision Dated and Mailed

jet/scn