

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN A DEN BESTE
Claimant

APPEAL NO. 16A-UI-13052-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/16/16
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

John Den Beste filed a timely appeal from the December 5, 2016, reference 02, decision that held he was overpaid \$1,228.00 in benefits for the four-week period of October 16, 2016 through November 12, 2016, based on an earlier decision that disqualified him for benefits in connection with a discharge from employment with Cheddar's Casual Café, Inc. Mr. Den Beste waived formal hearing notice on this matter so that this matter could be consolidated with the hearing in Appeal Number 16A-UI-12644-JTT on December 14, 2016. Mr. Den Beste participated. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to Mr. Den Beste.

ISSUE:

Whether the claimant was overpaid \$1,228.00 in benefits for the four-week period of October 16, 2016 through November 12, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: John Den Beste established an original claim for benefits that was effective October 16, 2016 and received \$1,228.00 in benefits for the four-week period of October 16, 2016 through November 12, 2016. On November 17, 2016, a Workforce Development claims deputy entered a reference 01 decision that disqualified Mr. Den Beste for benefits, based on an agency conclusion that he had been discharged on October 12, 2016 for misconduct in connection with employment with Cheddar's Casual Café, Inc. The November 17, 2016, reference 01, decision prompted the overpayment decision from which Mr. Den Beste appeals in this matter. The November 17, 2016, reference 01, decision has been affirmed on appeal in Appeal Number 16A-UI-12644-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. Because the

November 17, 2016, reference 01, disqualification decision has been affirmed on appeal, the \$1,228.00 in benefits that Mr. Den Beste received for the four-week period of October 16, 2016 through November 12, 2016 constitutes an overpayment of benefits. Mr. Den Beste must repay the benefits.

DECISION:

The December 5, 2016, reference 02, decision is affirmed. The claimant was overpaid \$1,228.00 in benefits for the four-week period of October 16, 2016 through November 12, 2016. The claimant must repay the benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs