

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**DENVER J AWTRY**  
Claimant

**APPEAL NO. 18A-UI-11291-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/07/18**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Denver Awtry filed a timely appeal from the November 8, 2018, reference 03, decision that held he was overpaid \$1,940.00 in benefits for four weeks between October 7, 2018 and November 3, 2018, based on an earlier decision that disqualified him for benefits in connection with his voluntary quit from Federal Express Corporation. After due notice was issued, a hearing was held on December 4, 2018. Mr. Awtry participated. The hearing in this matter was consolidated with the hearing in Appeal number 18A-UI-11290-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant and received Exhibit A into evidence.

**ISSUE:**

Whether Mr. Awtry was overpaid \$1,940.00 in benefits for four weeks between October 7, 2018 and November 3, 2018, based on an earlier decision that disqualified him for benefits in connection with his voluntary quit from Federal Express Corporation.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Denver Awtry established an original claim for benefits that was effective October 7, 2018 and received \$1,940.00 in benefits for four weeks between October 7, 2018 and November 3, 2018. On November 7, 2018, an Iowa Workforce Development Benefits Bureau deputy entered and mailed a reference 02 decision that held Mr. Awtry was disqualified for benefits, based on the deputy's conclusion that Mr. Awtry voluntarily quit employment with Federal Express Corporation on April 27, 2018 without good cause attributable to the employer and due to a non-work related illness or injury. The November 7, 2018, reference 02, disqualification decision prompted the overpayment decision from which Mr. Awtry appeals in the present matter. The disqualification decision was modified on appeal to reflect that the voluntary quit was not based on advice from a physician. However, the determination that Mr. Awtry voluntary quit without good cause attributable to the employer and, therefore, was disqualified for benefits was upheld. See Appeal number 18A-UI-11290-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.

Mr. Awtry received \$1,940.00 in benefits for four weeks between October 7, 2018 and November 3, 2018. Both the November 8, 2018, reference 03, decision and the administrative law judge's decision in Appeal number 18A-UI-11290-JTT disqualified Mr. Awtry for those benefits. Accordingly, the benefits constitute an overpayment of benefits. Mr. Awtry must repay the overpaid benefits.

**DECISION:**

The November 8, 2018, reference 03, decision is affirmed. The claimant was overpaid \$1,940.00 in benefits for four weeks between October 7, 2018 and November 3, 2018. The claimant must repay the overpaid benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs