

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRIAN L CALDWELL**  
Claimant

**APPEAL NO: 14A-UI-07829-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/30/13**

**Claimant: Appellant (4)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Brian L. Caldwell (claimant) appealed a representative's July 29, 2014 decision (reference 09) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 21, 2014. This appeal was consolidated for hearing with one related appeal, 14A-UI-07828-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

**ISSUE:**

Was the claimant is overpaid unemployment insurance benefits of \$1,897.00 for the period ending June 21, 2014?

**FINDINGS OF FACT:**

A representative issued a decision dated July 28, 2014 (reference 08) that concluded the claimant was disqualified from receiving benefits due to a refusal of work with Express Services, Inc. (employer). The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 14A-UI-07828-DT, that disqualification decision has now been affirmed, but modified in favor of the claimant. Rather than a complete disqualification from a refusal requiring a ten times requalification, the decision is now that the claimant was not able and available and not eligible to receive benefits only for a specific period of time, from April 27 through May 31, 2014.

The claimant established a claim for unemployment insurance benefits effective June 30, 2013. His weekly benefit amount was calculated to be \$271.00. From April 27 through May 31, 2014 the claimant received unemployment insurance benefits in the amount of \$1,626.00.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed as modified, the claimant has received benefits but was ineligible for those benefits. However, the period of time for which the claimant was ineligible has been modified, so the amount of benefits that the claimant was overpaid is also modified and reduced.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$1,626.00 pursuant to Iowa Code § 96.3-7.

**DECISION:**

The representative's July 29, 2014 decision (reference 09) is modified in favor of the claimant. The claimant is overpaid benefits of \$1,626.00.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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