

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALEXIS M RASMUSSEN**  
Claimant

**APPEAL NO. 23A-UI-10144-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/13/23  
Claimant: Appellant (1)**

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Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

On October 25, 2023, Alexis Rasmussen (claimant) filed a timely appeal from the October 20, 2023 (reference 06) decision that held the claimant was overpaid \$680.00 in benefits for five weeks between August 27, 2023 and September 30, 2023, based on an October 18, 2023 administrative law judge decision that denied benefits for the period in question. After due notice was issued, a hearing was held on November 13, 2023. The claimant participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following state agency administrative records: DBRO, NMRO, the September 21, 2023 (reference 02) decision, and the administrative law judge decision in Appeal Number 23A-UI-09288-LJ-T.

**ISSUES:**

Whether the claimant was overpaid \$680.00 in benefits for five weeks between August 27, 2023 and September 30, 2023, based on an October 18, 2023 administrative law judge decision that denied benefits for the period in question. .

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Alexis Rasmussen (claimant) established an original claim for benefits that was effective August 13, 2023. Iowa Workforce Development set the weekly benefit amount at \$269.00. The claimant received benefits that included partial weekly benefits for each of the five weeks between August 27, 2023 through September 30, 2023. The benefits paid for those five weeks totaled \$680.00 (gross). The appropriate net amounts were deposited in the claimant's bank account.

On October 18, 2023, an administrative law judge entered a decision in Appeal Number 23A-UI-09288-LJ-T that reversed a September 21, 2023 (reference 02) decision and that denied benefits for the period of August 13, 2023 through September 30, 2023. The administrative law judge concluded the claimant was employed during that period and was neither temporarily nor partially unemployed during that period.

On October 25, 2023, the claimant filed an appeal from the administrative law judge decision in Appeal Number 23A-UI-09288-LJ-T. The claimant's appeal from the administrative law judge's disqualification decision is pending before the Iowa Employment Appeal Board, which has not yet issued a decision in connection with the appeal. To date, the administrative law judge decision in Appeal Number 23A-UI-09288-LJ-T remains in effect.

The administrative law judge decision in Appeal Number 23A-UI-09288-LJ-T triggered the overpayment decision from which the claimant appeals in the present matter.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7)(a) provides, in pertinent part:

7. Recovery of overpayment of benefits.

- a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Because the administrative law judge decision in Appeal Number 23A-UI-09288-LJ-T denied benefits for the period that included the five weeks between August 27, 2023 and September 30, 2023, and because the administrative law judge's disqualification decision remains in effect, the \$680.00 in benefits that were paid to the claimant for the five weeks in question are an overpayment of benefits. The claimant must repay the overpaid benefits.

**DECISION:**

The October 20, 2023 (reference 06) decision is **AFFIRMED**. The claimant was overpaid \$680.00 in benefits for five weeks between August 27, 2023 and September 30, 2023, based on the October 18, 2023 administrative law judge decision that denied benefits for the period in question. The claimant must repay the overpaid benefits.



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James E. Timberland  
Administrative Law Judge

November 14, 2023  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.