

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

DEBBIE J WESSELS
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22A-UI-15781-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/26/22
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

On August 3, 2022, Debbie Wessels (claimant) filed a timely appeal from the July 21, 2022 (reference 02) decision that held the claimant was overpaid \$1,062.00 in benefits for the two weeks between June 26, 2022 and July 9, 2022, due to the July 13, 2022 decision that denied benefits in connection with a second benefit year. After due notice was issued, a hearing was held on August 23, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-15148-JT-T, 22A-UI-15781-JT-T and 22A-UI-15782-JT-T. The claimant's reference 01 appeal packet materials were received into evidence as Exhibits A through E. The claimant's appeal from the reference 02 decision was received into evidence as Exhibit F. The claimant's appeal from the reference 03 decision was received into evidence as Exhibit G. The administrative law judge took official notice of the following agency administrative records: DBIN, DBRO, KCCO, Wage-A and the notices mailed to the claimant on June 8 and June 22, 2022.

ISSUE:

Whether the claimant was overpaid \$1,062.00 in benefits for the two weeks between June 26, 2022 and July 9, 2022, due to the July 13, 2022 decision that denied benefits in connection with a second benefit year.

FINDINGS OF FACT:

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

Debbie Wessels (claimant) established a second benefit year that was effective June 26, 2022. Iowa Workforce Development set the weekly benefit amount of \$531.00. The claimant received \$1,062.00 in benefits for the two-week period of June 26, 2022 through July 9, 2022.

On July 13, 2022, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that denied benefits effective June 26, 2022, based on an Agency determination the claimant did not meet the eight-times-weekly-benefit-amount minimum earnings requirement and therefore was not monetarily eligible for benefits in a second benefit year. The reference 01 decision has been affirmed in Appeal Number 22A-UI-15148-JT-T.

REASONING AND CONCLUSIONS OF LAW:


Iowa Code section 96.3(7) 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 reference 01 decision denied benefits effective June 26, 2022 and has been affirmed on appeal, the \$1,062.00 in benefits the claimant received for the two weeks between June 26, 2022 and July 9, 2022 is an overpayment of benefits. The claimant must repay the overpaid benefits.

DECISION:

The July 21, 2022 (reference 02) decision is AFFIRMED. The claimant was overpaid \$1,062.00 in benefits for the two weeks between June 26, 2022 and July 9, 2022, due to the July 13, 2022 decision that denied benefits in connection with a second benefit year. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

September 30, 2022
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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: 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
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: 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.