

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD J ENDORF
Claimant

APPEAL NO. 17A-UI-08781-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/16/17
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Todd Endorf filed a timely appeal from the August 17, 2017, reference 02, decision that held he was overpaid \$708.00 for the four weeks between July 16, 2017 and August 12, 2017, based on an earlier decision that disqualified him for benefits in connection with his discharge from employment with Osceola Food, L.L.C. After due notice was issued, a hearing was held on September 13, 2017. Mr. Endorf participated. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-08780-JTT. Exhibits 1 through 4 and A through D were received into evidence. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$708.00 for the four weeks between July 16, 2017 and August 12, 2017, based on an earlier decision that disqualified him for benefits in connection with his discharge from employment with Osceola Food, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Todd Endorf established a claim for unemployment insurance benefits that was effective July 16, 2017 and received \$708.00 in benefits for the four-week period between July 16, 2017 and August 12, 2017. On August 16, 2017, a Workforce Development claims deputy entered the August 16, 2017, reference 01, decision that disqualified Mr. Endorf for benefits and that relieved the employer of liability for benefits, based on the claims deputy's conclusion that Mr. Endorf was discharged on July 13, 2017 from his employment with Osceola food, L.L.C. for insubordination in connection with the employment. The August 16, 2017, reference 01, decision prompted the overpayment decision from which Mr. Endorf appeals in the present matter. The August 16, 2017, reference 01, decision has been affirmed on appeal. See Appeal Number 17A-UI-08780-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 recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Mr. Endorf received \$708.00 for the four weeks between July 16, 2017 and August 12, 2017, but was disqualified for those benefits by the August 16, 2017, reference 01, decision. The disqualification decision has been affirmed on appeal. The benefits that Mr. Endorf received constitute an overpayment of benefits that Mr. Endorf must repay.

DECISION:

The August 17, 2017, reference 02, decision is affirmed. The claimant was overpaid \$708.00 for the four weeks between July 16, 2017 and August 12, 2017, based on an earlier decision that disqualified him for benefits in connection with his discharge from employment with Osceola Food, L.L.C. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs