

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY J LEONARDI
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 19A-UI-09247-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/13/19
Claimant: Appellant (1)

Iowa Code § 96.5(13) – Disqualification due to outstanding fraud overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 12, 2019 (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 18, 2019, at 2:05 p.m. Claimant participated. Iowa Workforce Development (IWD) participated through Kasandra Ellenwood, Investigator II. Department's Exhibits A – K were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is ineligible for benefits due to an outstanding fraud overpayment balance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of January 13, 2019. On November 8, 2019, a decision was issued finding claimant was overpaid benefits in the amount of \$1,684.00, including interest and a 15% penalty due to fraud. Claimant appealed that decision; the decision was upheld (see 19A-UI-09246-AW-T). To date, claimant has not paid the fraud overpayment balance, including interest and penalty. The current balance owed is \$1,526.45. (Ellenwood Testimony)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has an unpaid fraud overpayment balance. Benefits are denied.

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the

individual due to misrepresentation, including all penalties, interest and lien fees, is paid in full.

Claimant currently owes a fraud overpayment balance of \$1,526.45 and, therefore, is not eligible for benefits at this time.

DECISION:

The November 12, 2019 (reference 04) unemployment insurance decision is affirmed. Claimant is not eligible for benefits at this time. Benefits are withheld until claimant has paid the unpaid fraud overpayment balance, plus penalties, and is otherwise eligible.

Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

acw/scn