

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DUNG N QUAN
Claimant

APPEAL NO. 14A-UI-05668-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/09/14
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Dung N. Quan (claimant) appealed a representative's May 21, 2014 (reference 05) decision that concluded she 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 June 25, 2014. 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 overpaid unemployment insurance benefits of \$1,507.00?

FINDINGS OF FACT:

A representative issued a decision dated May 7, 2014 (reference 04) that concluded the claimant was disqualified from receiving benefits after a March 28, 2014 separation from employment with Crown Services, Inc. (employer). The claimant appealed that decision and a hearing was held with another administrative law judge on May 30, 2014. As determined in that judge's decision issued on June 2, 2014 in appeal 14A-UI-04882-MT, that separation disqualification decision was affirmed. The overpayment decision was issued in this case as a result of the separation disqualification decision. As of the date of the hearing in this case, the claimant believed that she had made an appeal of the other judge's June 2 decision to the Employment Appeal Board, but no entry of an appeal yet appears on the appeal docket system.

The claimant established a claim for unemployment insurance benefits effective February 9, 2014. The claimant has received unemployment insurance benefits after the March 28, 2014 separation from employment in the amount of \$1,507.00.

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 been affirmed and has not been reversed by further appeal to the Employment Appeal Board, at least not as of the date of the hearing in this case, the claimant has received benefits but was ineligible for those benefits. Should the separation disqualification decision subsequently be reversed, the overpayment decision will also be reversed.

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 as of this time the claimant is overpaid benefits of \$1,507.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's May 21, 2014 (reference 05) decision is affirmed. The claimant is overpaid benefits of \$1,507.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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