

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY G SCHLINES
Claimant

APPEAL NO. 13A-UI-09675-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/23/12
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Larry Schlines filed an appeal from the August 16, 2013, reference 03, decision that he was overpaid \$8,088.00 in benefits for the 20 weeks ending July 27, 2013 because of a decision that disqualified him for benefits for that period based on receipt of workers' compensation benefits for total temporary disability for that same period. After due notice was issued, a hearing was held on September 18, 2013. Mr. Schlines participated. This hearing in this matter was consolidated with the hearing in Appeal Number 13A-UI-09674-JTT. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant and of the administrative file documents supporting the April 2, 2013, reference 02, decision. Exhibit A and Department Exhibits D-1 and D-2 were received into evidence.

ISSUE:

Whether Mr. Schlines was overpaid \$8,088.00 in benefits for the 20 weeks ending July 27, 2013.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Larry Schlines established a claim for unemployment insurance benefits that was effective September 23, 2012. Workforce Development set Ms. Schlines' weekly unemployment insurance benefit amount at \$411.00. Mr. Schlines received benefits that included \$6,987.00 in regular benefits for the 17-week period of March 10, 2013 through July 6, 2013. Mr. Schlines then received \$367.00 weekly, or \$1,101.00 total, in emergency unemployment compensation benefits (EUC) for the three-week period of July 7, 2013 through July 27, 2013.

Mr. Schlines slipped on ice in January 2013 while performing work for a trucking company and injured his rotator cuff. The injury was treated as a workers' compensation injury. Beginning with the week that ended March 16 2013, Mr. Schlines received \$610.14 in workers' compensation benefits for total temporary disability. Mr. Schlines continued to receive the same weekly amount of workers' compensation benefits for temporary total disability through at least the benefit week that ended July 26, 2013.

On August 2, 2013, Iowa Workforce Development mailed a copy of the August 2, 2013, reference 02, decision to Mr. Schlines' last known address of record. Mr. Schlines received the decision in a timely manner, prior to the deadline for appeal. The decision contained a warning that an appeal from the decision must be postmarked by August 12, 2013, or received by the Appeals Section by that date. On August 20, 2013, Mr. Schlines drafted his appeal and delivered it to a local Workforce Development Center. The Appeals Section received the appeal on August 20, 2013. The reference 02 decision denied benefits for the 20-week period ending July 27, 2013, based on Mr. Schlines' receipt of workers' compensation benefits for total temporary disability. The disqualification decision has been affirmed on appeal in Appeal Number 13A-UI-09674-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. . . .

Because Mr. Schlines received unemployment insurance benefits for which he has been deemed ineligible, those benefits constitute an overpayment that Mr. Schlines must repay. Mr. Schlines is overpaid \$8,088.00 in benefits for the 20 weeks ending July 27, 2013.

DECISION:

The agency representative's August 16, 2013, reference 03, decision is affirmed. The claimant was overpaid \$8,088.00 in benefits for the 20 weeks ending July 27, 2013. The claimant must repay that amount.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs