

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL W HOLM
Claimant

APPEAL NO: 13A-UI-13209-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/25/12

Claimant: Appellant (2)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Michael W. Holm (claimant) appealed a representative's November 26, 2013 decision (reference 03) that concluded he had been overpaid emergency unemployment compensation (EUC) benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 26, 2013. This appeal was consolidated for hearing with one related appeal, 13A-UI-13208-DT. 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 reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated November 22, 2013 (reference 02) that concluded the claimant was disqualified from receiving EUC benefits as of June 9, 2013. The claimant timely appealed that decision and in the concurrently issued decision in appeal 13A-UI-13208-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the November 22, 2013 (reference 02) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid EUC benefits of \$1,025.00?

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, the claimant received benefits for which he subsequently was deemed ineligible in the

representative's decision issued on November 22, 2013. The disqualification from that decision has been reversed in the concurrently issued decision in 13A-UI-13208-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid EUC benefits.

DECISION:

The representative's November 26, 2013 decision (reference 03) is reversed. The claimant is not overpaid EUC benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs