

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

SARAH C SCHAUF
Claimant

APPEAL NO. 19A-UCFE-00011-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/30/18
Claimant: Appellant (1)

Iowa Code section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Sarah Schauf filed a timely appeal from the February 12, 2019, reference 02, decision that held she was overpaid \$970.00 in unemployment insurance benefits for the two-week period of December 30, 2018 and January 12, 2019. After due notice was issued, a hearing was held on March 5, 2019. Ms. Schauf participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UCFE-00010-JTT. Exhibit A and Department Exhibits D-1 through D-4 were received into evidence.

ISSUE:

Whether Ms. Schauf was overpaid \$970.00 in unemployment insurance benefits for the two-week period of December 30, 2018 and January 12, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Sarah Schauf established an original claim for unemployment insurance benefits that was effective December 30, 2018. Iowa Workforce Development set Ms. Schauf's federal weekly benefit amount at \$485.00. Ms. Schauf received unemployment insurance benefits totaling \$970.00 for the two-week period of December 30, 2018 through January 12, 2019. Ms. Schauf then discontinued her unemployment insurance claim.

On February 11, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective December 30, 2018, based on the deputy's conclusion that Ms. Schauf was not partially unemployed within the meaning of the law. The February 11, 2019, reference 01, decision triggered the overpayment decision from which Ms. Schauf appeals in this matter. The February 11, 2019, reference 01, decision was modified on appeal, but only modified to designate the relevant claim period as the two-week period of December 30, 2018 through January 12, 2019. The administrative law judge affirmed the denial of benefits for that two-week period. See Appeal Number 19A-UCFE-00010-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.

Ms. Schauf received unemployment insurance benefits totaling \$970.00 for the two-week period of December 30, 2018 through January 12, 2019, but has been deemed ineligible for those benefits. Accordingly, the benefits Ms. Schauf received constitute overpayment of benefits. Ms. Schauf must repay the overpaid benefits.

DECISION:

The February 12, 2019, reference 02, decision is affirmed. The claimant was overpaid \$970.00 in unemployment insurance benefits for the two-week period of December 30, 2018 and January 12, 2019. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs