

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE H OBERENDER
Claimant

APPEAL NO. 17A-UI-05720-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/20/16
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Shane Oberender filed a timely appeal from the May 25, 2017, reference 05, decision that he was overpaid \$5,978.00 in benefits for the 14 weeks between November 20, 2016 and February 25, 2017 due to an earlier decision disqualified him for benefits based on a voluntary quit from Alleman Car Corner, L.L.C. After due notice was issued, a hearing was held on June 15, 2017. Mr. Oberender participated. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-05719-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant and received Exhibits A through J into evidence.

ISSUE:

Whether Mr. Oberender was overpaid \$5,978.00 in benefits for the 14 weeks between November 20, 2016 and February 25, 2017 due to an earlier decision disqualified him for benefits based on a voluntary quit from Alleman Car Corner, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Shane Oberender established a claim for benefits that was effective November 20, 2016 and received \$5,978.00 in benefits for the 14 weeks between November 20, 2016 and February 25, 2017. On May 22, 2017, a Workforce Development claims deputy entered the reference 04 decision that disqualified Mr. Oberender for benefits, based on the claims deputy's conclusion that Mr. Oberender had voluntarily quit employment with Alleman Car Corner, L.L.C. on November 15, 2016 without good cause attributable to the employer. The May 22, 2017, reference 04, decision prompted the overpayment decision from which Mr. Oberender appeals in the present matter. The May 22, 2017, reference 04, decision has been reversed on appeal. See Appeal Number 17A-UI-05719-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.

Because the disqualification decision that prompted the overpayment decision has been reversed on appeal to allow benefits to Mr. Oberender provided he meets all other eligibility requirements, the \$5,978.00 in benefits that Mr. Oberender received for the 14 weeks between November 20, 2016 and February 25, 2017 is not an overpayment of benefits.

DECISION:

The May 25, 2017, reference 05, decision is reversed. The claimant was not overpaid \$5,978.00 in benefits for the 14 weeks between November 20, 2016 and February 25, 2017.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn