

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PETER W HEINTZ
Claimant

APPEAL NO: 13A-UI-06018-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Peter W. Heintz (claimant) appealed a representative's May 9, 2013 decision (reference 02) that concluded he 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 28, 2013. The claimant participated in the hearing and was represented by Lori Elrod, Attorney at Law. 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.

ISSUE:

Was the claimant overpaid unemployment insurance benefits of \$3,960.00?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 9, 2012. His weekly benefit amount was calculated to be \$396.00.

A potential employer notified the Agency that the claimant had refused an offer of work. A fact-finding interview was conducted this issue on March 6, 2013, and on March 7 the Claims representative issued a decision concluding that while there had been an offer and refusal on February 13, 2013, the refusal was for good cause and not disqualifying. The potential employer appealed this decision, and a hearing was held on April 3, 2013 under appeal number 13A-UI-02750-VST.

On April 23, 2013 that judge issued a decision which reversed the representative's decision and found the facts of the refusal were disqualifying as to the claimant. The claimant appealed that decision to the Employment Appeal Board. As of the date of the hearing in the present case, that appeal to the Board was still pending.

The overpayment decision was issued in this case as a result of the April 23, 2013 administrative law judge's decision in 13A-UI-02750-VST reversing the March 7, 2014 (reference 01) representative's decision.

The claimant received unemployment insurance benefits after the refusal of work employment in the amount of \$3,960.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$3,960.00.

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. The claimant has appealed the administrative law judge's decision issued under 13A-UI-02750-VST, which found the refusal to be disqualifying, leading to the overpayment in this case. The decision causing the disqualification is not subject to further review in this case. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). However, if the Board review of the decision results in a reversal of that disqualification, the resulting overpayment considered in this appeal will also be reversed.

Since the disqualification decision has not as of this date been reversed, even though the benefits paid before the disqualification was imposed were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. Iowa Code § 96.3-7; *Sievertsen v. EAB*, 483 N.W.2d 818 (Iowa 1992). The administrative law judge concludes that the claimant is overpaid benefits of \$3,960.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's May 9, 2013 decision (reference 02) is affirmed. The claimant was overpaid benefits of \$3,960.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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