

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA D BOLIO
Claimant

APPEAL NO. 13A-UI-09260-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/30/13
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Jessica Bolio filed a timely appeal from the August 9, 2013, reference 02, decision that she was overpaid \$1,240.00 for four weeks between June 30, 2013 and July 27, 2013. After due notice was issued, a hearing was held on September 16, 2013. Ms. Bolio participated. The hearing in this matter was consolidated with the hearing in Appeal Number 13A-UI-09259-JTT. Exhibits A and B were received into evidence. The administrative law judge took official notice of the agency's administrative record (DBRO) of benefits disbursed to the claimant.

ISSUE:

Whether Ms. Bolio was overpaid \$1,240.00 for four weeks between June 30, 2013 and July 27, 2013.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jessica Bolio established a claim for unemployment insurance benefits that was effective June 30, 2013 and received \$1,240.00 in benefits for the four weeks between June 30, 2013 and July 27, 2013. On August 8, 2013, a Workforce Development representative entered an August 8, 2013, reference 01 decision that disqualified Ms. Bolio based on a conclusion that Ms. Bolio had voluntarily quit her employment with the Des Moines Independent Community School District. The August 8, 2013, reference 01, decision has been reversed on appeal to allow benefits to Ms. Bolio, provided she is otherwise eligible. See Appeal Number 13A-UI-09259-JTT. The present overpayment matter is based on the August 8, 2013, reference 01, disqualification decision that has been reversed on appeal.

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 the decision that disqualified Ms. Bolio for unemployment insurance benefits has been reversed on appeal, the administrative law judge concludes that Ms. Bolio was not overpaid \$1,240.00 for four weeks between June 30, 2013 and July 27, 2013.

DECISION:

The agency representative's August 9, 2013, reference 02, decision is reversed. The claimant was temporarily laid off from June 28, 2013 through August 4, 2013. The claimant was not overpaid \$1,240.00 for four weeks between June 30, 2013 and July 27, 2013.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs