

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA M CELINDRO MURRAY
Claimant

APPEAL NO: 13A-UI-06048-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/06/13
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Melissa M. Celindro Murray (claimant) appealed a representative's May 8, 2013 decision (reference 04) that concluded she had been overpaid unemployment insurance benefits. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on at 8:30 a.m. The claimant received the hearing notice and responded by calling the Appeals Section on June 10, 2013. She indicated that she would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available; therefore, she did not participate in the hearing. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$1,260.00?

FINDINGS OF FACT:

A representative issued a decision dated February 20, 2013 (reference 01) that concluded the claimant was disqualified from receiving benefits after a separation from employment from I. C. System, Inc. (employer). The claimant appealed that decision and a hearing was held on that appeal on March 29, 2013 under appeal number 13A-UI-02564-MT. On April 1, 2013 a decision was issued on that appeal which affirmed the disqualification. The claimant appealed that decision to the Employment Appeal Board; on May 31, 2013 the Board issued a decision which also affirmed the disqualification.

This administrative law judge is unaware of whether judicial review of the Board's decision is being made to a District Court, but as of the date of the decision in this case, there has been no District Court ruling reversing the disqualification.

The claimant established a claim for unemployment insurance benefits effective January 6, 2013. Her weekly benefit amount was calculated to be \$252.00. The claimant received her weekly benefit amount for five weeks for a total amount of \$1,260.00.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits. 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, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$1,260.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's May 8, 2013 decision (reference 04) is affirmed. The claimant is overpaid benefits of \$1,260.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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