

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

SENORIA S WALLICAN NESBIT
Claimant

APPEAL NO. 19A-UI-04276-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/02/18
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Senoria Shante Wallican Nesbit filed an appeal from the May 15, 2019, reference 10, decision that held she was overpaid \$467.00 in benefits for the week of April 21-27, 2019, based on an earlier decision that denied benefits for that week. After due notice was issued, a hearing was held on June 13, 2019. At Ms. Wallican Nesbit's request, the hearing proceeded on June 13, 2019, rather than on the June 20, 2019 scheduled hearing date. Ms. Wallican Nesbit participated. The appeal hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-04275-JTT. Department Exhibits D-1 through D-6 were received into evidence.

ISSUE:

Whether Ms. Wallican Nesbit was overpaid \$467.00 in benefits for the week of April 21-27, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Senoria Shante Wallican Nesbit established an original claim for benefits that was effective December 2, 2018. Ms. Wallican Nesbit received benefits that included \$467.00 in benefits for the week of April 21-27, 2019. On May 13, 2019, and Iowa Workforce Development Benefits Bureau deputy entered a reference 09, decision that denied benefits for the week of April 21-27, 2019, based on the deputy's conclusion that Ms. Wallican Nesbit did not meet the able and available requirements that week. The May 13, 2019, reference 09, decision prompted the overpayment decision from which Ms. Wallican Nesbit appeals in the present matter. The May 13, 2019, reference 09, decision has been affirmed in Appeal Number 19A-UI-04275-JTT due to Ms. Wallican Nesbit filing an untimely appeal from the May 13, 2019, reference 09, decision.

Iowa Workforce Development approved \$467.00 in benefits for the week ended May 18, 2019, but held back those benefits and offset them against the benefits Ms. Wallican Nesbit received for the week of April 21-27, 2019.

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 May 13, 2019, reference 09, decision denied benefits for the week of April 21-27, 2019 and has been affirmed on appeal, the administrative law judge must conclude that the \$467.00 in benefits that Ms. Wallican Nesbit received for that week was an overpayment of benefits. As such, Ms. Wallican Nesbit was obligated to repay the benefits. Iowa Workforce Development has recovered the overpaid benefits through an off-set against benefits that would otherwise have been disbursed to Ms. Wallican Nesbit for the week that ended May 18, 2019.

DECISION:

The May 15, 2019, reference 10, decision is affirmed. The claimant was overpaid \$467.00 in benefits for the week of April 21-27, 2019. The overpayment has been recovered.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs