

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMIE MYERS
Claimant

APPEAL 22A-UI-06409-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/06/22
Claimant: Appellant (2)

Iowa Code § 96.5(13) – Disqualification due to Outstanding Fraud Overpayment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 11, 2022, (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that found claimant was not eligible for unemployment insurance benefits due to an outstanding fraud overpayment balance. The parties were properly notified of the hearing. A telephone hearing was held on April 21, 2022. The claimant, Jamie Myers, participated personally. No party participated on behalf of IWD. Claimant’s Exhibit A was admitted. No other exhibits were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUE:

Is the claimant ineligible for benefits due to an outstanding fraud overpayment balance?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

To date, claimant has paid the outstanding overpayment amount owed, including interest, penalties, and lien fees. See Exhibit A.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is eligible for benefits because the balance of the benefits received by the claimant due to misrepresentation, including all penalties, interest, and lien fees are paid in full. Benefits are allowed.

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the

individual due to misrepresentation, including all penalties, interest, and lien fees, is paid in full.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

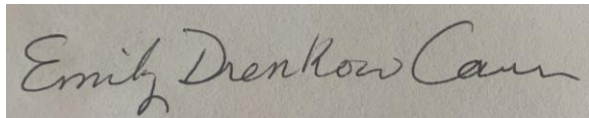
Claimant's testimony was corroborated by claimant's Exhibit A. Claimant's evidence presented was consistent. In comparison, no testimony was present opposing the claimant. After assessing the credibility of the witness who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the Administrative Law Judge finds that claimant's testimony is credible.

Claimant currently owes a balance of \$0.00 due to a decision issued on March 11, 2022 resulting in determination that the claimant engaged in misrepresentation pursuant to Iowa Code § 96.16(4). Because this fraud balance is now paid, claimant is eligible for benefits at this time. See Iowa Code § 96.5(13).

DECISION:

The March 11, 2022, (reference 01) unemployment insurance decision is reversed. The claimant, Jamie Myers, is eligible for benefits due to the balance paid in full.

Claimant must additionally meet all other eligibility requirements.



Emily Drenkow Carr
Administrative Law Judge

April 28, 2022
Decision Dated and Mailed

ed/mh