

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER K MILLEDGE
Claimant

APPEAL NO. 15oA-UI-12500-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/09/15
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Christopher Milledge filed a timely appeal from the November 5, 2015, reference 07, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$5,172 for the 12-week period of August 9, 2015 through October 13, 2015; as a result of an October 26, 2015 decision by the Employment Appeal Board that disqualified him for benefits. After due notice was issued, a hearing was held on December 2, 2015. Mr. Milledge participated in the hearing. Exhibit A and Department Exhibits D-1 through D-4 were received into evidence.

ISSUE:

Whether Mr. Milledge was overpaid unemployment insurance benefits in the amount of \$5,172 for the 12-week period of August 9, 2015 through October 13, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Christopher Milledge established a claim for benefits that was effective August 9, 2015 and received \$5,172 for the 12-week period of August 9, 2015 through October 13, 2015. On August 31, 2015, a Workforce Development Claims Deputy entered a reference 01 decision that disqualified Mr. Milledge for benefits; based on a conclusion that he had been discharged by Owen Industries, Inc. on July 24, 2015 for misconduct in connection with the employment. Mr. Milledge appealed the disqualification decision. On September 21, 2015, an administrative law judge entered a decision in Appeal Number 15A-UI-09990-S1-T that reversed the August 31, 2015, reference 01, decision. The administrative law judge's decision concluded that Mr. Milledge had been discharged for no disqualifying reason and that he was eligible for benefits, provided he met all the other eligibility requirements. The employer appealed the administrative law judge's decision to the Employment Appeal Board. On October 26, 2015, the Employment Appeal Board entered a decision in Hearing Number 15B-UI-09990 that reversed the administrative law judge's decision. The Employment Appeal Board concluded that Mr. Milledge had been discharged for misconduct in connection with the employment and disqualified Mr. Milledge for benefits. The Employment Appeal Board's decision prompted the overpayment decision from which Mr. Milledge appeals in the present matter. Mr. Milledge did not file a petition for judicial review in response to the Employment Appeal Board decision.

Mr. Milledge asserts that he did not receive the decision. The Employment Appeal Board's decision was the final Agency decision concerning Mr. Milledge's eligibility for benefits in connection with the separation from Owen Industries, Inc.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.3(7) provides that if a claimant receives benefits and is later deemed ineligible for benefits, Workforce Development must recover the benefits and the claimant must repay the benefits. Because the Employment Appeal Board's decision disqualified Mr. Milledge for benefits based on the July 2015 separation from Owen Industries, the \$5,172 in benefits that Mr. Milledge received for the 12-week period of August 9, 2015 through October 13, 2015 constitutes an overpayment of benefits. The law requires that Mr. Milledge repay those benefits.

DECISION:

The November 5, 2015, reference 07, decision is affirmed. The claimant was overpaid \$5,172 in benefits for the 12-week period of August 9, 2015 through October 13, 2015. The claimant must repay the benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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