

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENA L WELU
Claimant

APPEAL NO. 16A-UI-05364-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/10/16
Claimant: Appellant (2)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code rule 871-24.32(9) – Suspension

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 9, 2016, reference 03, decision that she was overpaid \$376.00 for the week ending April 23, 2016 because of an earlier decision the disqualified her for benefits. After due notice was issued, a hearing was held on May 25, 2016. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 16A-UI-05363-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits paid to the claimant.

ISSUE:

Whether the claimant was overpaid \$376.00 in benefits for the week ending April 23, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits that was effective April 10, 2016 and received \$376.00 in benefits for the week ending April 23, 2016. On May 2, 2016, a Workforce Development representative entered a reference 02 decision that disqualified the claimant for benefits based on an Agency conclusion that the claimant had been suspended on April 14, 2016 for misconduct in connection with the employment. The reference 02 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision has been reversed on appeal in Appeal Number 16A-UI-05363-JTT.

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 recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the disqualification decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that the claimant was not overpaid \$376.00 for the week ending April 23, 2016.

DECISION:

The May 9, 2016, reference 03, decision is reversed. The claimant was not overpaid \$376.00 for the week ending April 23, 2016.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs