

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DAVID D KLEINBERG
Claimant

APPEAL NO. 19A-UI-01797-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/20/19
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

David Kleinberg filed a timely appeal from the February 28, 2019, reference 03, decision that held he was overpaid \$771.00 in unemployment insurance benefits for three weeks between January 20, 2019 and February 9, 2019, based on an earlier decision that denied benefits due to Mr. Kleinberg not being able to work and available for work. After due notice was issued, a hearing was held on March 14, 2019. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-01796-JTT. Mr. Kleinberg participated. Exhibits A and B and Department Exhibits D-1, D-2 and D-3 were received into evidence.

ISSUE:

Whether Mr. Kleinberg was overpaid \$771.00 in unemployment insurance benefits for three weeks between January 20, 2019 and February 9, 2019, based on an earlier decision that denied benefits due to Mr. Kleinberg not being able to work and available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: David Kleinberg established an original claim for unemployment insurance benefits that was effective January 20, 2019. Iowa Workforce Development set Mr. Kleinberg's weekly benefit amount at \$257.00. Mr. Kleinberg has thus far received \$771.00 in unemployment insurance benefits for three weeks between January 20, 2019 and February 9, 2019. On February 18, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that denied benefits effective January 20, 2019, based on the deputy's conclusion that Mr. Kleinberg was unable to work due to injury. The February 18, 2019, reference 02, decision has been affirmed on appeal. See Appeal Number 19A-UI-01796-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.

Mr. Kleinberg received \$771.00 in unemployment insurance benefits for three weeks between January 20, 2019 and February 9, 2019, but was deemed ineligible for those benefits. For that reason, the benefits constitute an overpayment of benefits. The law requires that Mr. Kleinberg repay the overpaid benefits.

DECISION:

The February 28, 2019, reference 03, decision is affirmed. The claimant was overpaid \$771.00 in unemployment insurance benefits for three weeks between January 20, 2019 and February 9, 2019. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs