

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICHOLAS L BROOKS
Claimant

APPEAL NO: 15A-UI-07084-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/20/14
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits
Section 96.6-2 - Timeliness of Appeal

STATEMENT OF THE CASE:

Nicholas L. Brooks (claimant) appealed a representative's April 8, 2015 decision (reference 06) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 27, 2015. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 15A-UI-07083-LDT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits of \$7,225.33?

FINDINGS OF FACT:

A representative issued a decision dated April 7, 2015 (reference 05) that concluded the claimant was disqualified from receiving benefits after a separation from employment from Carl A. Nelson & Company (employer). As determined in the concurrently issued decision in appeal 15A-UI-07083-DT, the claimant did not timely appeal that decision, and it has now become final. The claimant likewise failed to timely appeal the resulting overpayment, the subject of this appeal.

The overpayment decision was issued in this case as a result of the April 7, 2015 (reference 05) disqualification decision.

The claimant established a claim for unemployment insurance benefits effective July 20, 2014. The claimant has received unemployment insurance benefits after the separation from employment in the amount of \$7,225.33.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$7,225.33.

As determined in the concurrently issued decision in appeal 15A-UI-07083-LDT, the claimant did not timely appeal the decision that caused the overpayment in this case. If the claimant had a dispute with whether or not he should have been disqualified as a result of the separation from the employer, then he needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). The decision causing the disqualification has now become final and is not subject to review in this case.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$7,225.33 pursuant to Iowa Code § 96.3-7 due to the disqualification decision issued on April 7, 2015. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's April 8, 2015 decision (reference 06) is affirmed. The claimant is overpaid benefits of \$7,225.33.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs