

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW K SANTA MARIA
Claimant

APPEAL NO: 14A-UI-10688-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/04/14
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Andrew K. Santa Maria (claimant) appealed a representative's October 13, 2014 decision (reference 06) that concluded he had been overpaid unemployment insurance benefits. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on November 3, 2014 in conjunction with related Appeal No. 14A-UI-10687-DT. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated October 10, 2014 (reference 05) that concluded the claimant was disqualified from receiving benefits for the week ending August 23, 2014 because he had reported that he was not able and available for work that week. The claimant timely appealed that decision and in the concurrently issued decision, in Appeal No. 14A-UI-10687-DT, that decision has been reversed.

The overpayment decision was issued in this case as a result of the October 10, 2014 (reference 05) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$365.00.

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 received benefits for which he subsequently was deemed ineligible in the representative's decision issued on October 10, 2014. The disqualification from that decision has been reversed in the concurrently issued decision in Appeal No. 14A-UI-10687-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits for the week ending August 23, 2014.

DECISION:

The representative's August 13, 2014 decision (reference 06) is reversed. The claimant is not overpaid benefits in the amount of \$365.00 for the week ending August 23, 2014.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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