

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

ROBERTO L MONTIJO
Claimant

APPEAL NO. 18A-UI-09122-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/29/18
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Roberto Montijo filed a timely appeal from the August 28, 2018, reference 02, decision that held he was overpaid \$934.00 in benefits for the two-week period of August 5-18, 2018, based on an earlier decision that disqualified him for benefits in connection with his discharge from employer Progressing Processing, L.L.C. After due notice was issued, a hearing was held on September 19, 2018. Mr. Montijo participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-09121-JTT. Exhibits 1 through 6 were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$934.00 in benefits for the two-week period of August 5-18, 2018, based on an earlier decision that disqualified him for benefits in connection with his discharge from employer Progressing Processing, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Roberto Montijo established an original claim for benefits that was effective July 29, 2018 and received \$934.00 in benefits for the two-week period of August 5-18, 2018. On August 27, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified Mr. Montijo for benefits, based on the deputy's conclusion that Mr. Montijo was discharged on July 24, 2018 for misconduct in connection with the employment. That disqualification decision prompted the overpayment decision from which Mr. Montijo appeals in the present matter. The disqualification decision has been affirmed in Appeal Number 18A-UI-09121-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. Montijo received \$934.00 in benefits for the two-week period of August 5-18, 2018, but was disqualified for those benefits through a disqualification decision that has been affirmed on appeal. According, the benefits Mr. Montijo received constitute an overpayment of benefits. Mr. Montijo must repay the benefits.

DECISION:

The August 28, 2018, reference 02, decision is affirmed. The claimant was overpaid \$934.00 in benefits for the two-week period of August 5-18, 2018. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs