

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON L HAYNES
Claimant

APPEAL 19A-UI-01705-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/24/17
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Jason L. Haynes (claimant) filed an appeal from the February 22, 2019, reference 02, unemployment insurance decision that determined he was overpaid \$6,644.00 in unemployment insurance benefits based upon a disqualifying separation from Faircast, Inc. (employer). The parties were properly notified about the hearing. A telephone hearing was held on March 13, 2019 and was consolidated with the hearings for appeals 19A-UI-01704-SC-T and 19A-UI-01706-SC-T. The claimant participated personally. The employer participated through Human Resource Manager Makenzie Zeitler. No exhibits were offered into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's Facebook post and comment.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 24, 2017. The claimant filed for and received a total of \$6,644.00 in unemployment insurance benefits for the weeks between September 2, 2018 and December 15, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 19A-UI-01704-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$6,644.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 22, 2019, reference 02, is affirmed. The claimant was overpaid \$6,644.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn