

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL A HAMILTON
Claimant

APPEAL 19A-UI-01203-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

Iowa Code § 96.5(13) – Disqualification due to Outstanding Fraud Overpayment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 5, 2019 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that found claimant was not eligible for unemployment insurance benefits due to an outstanding fraud overpayment balance. The parties were properly notified of the hearing. A telephone hearing was held on February 26, 2019. The claimant, Daniel A. Hamilton, participated personally. Kevan Irvine participated on behalf of IWD. IWD Exhibits 1 – 5 were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUE:

Is the claimant ineligible for benefits due to an outstanding fraud overpayment balance?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant had filed a claim for unemployment insurance benefits with an effective date of December 13, 2015. A decision was issued on November 15, 2017 (reference 06), which found that the claimant was overpaid benefits of \$4,509.00, including a 15% penalty due to misrepresentation. To date, no appeal has been filed from this decision. Claimant has failed to pay the outstanding overpayment amount owed, including the 15% penalty.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not eligible for benefits until the balance of the benefits received by the claimant due to misrepresentation, including the 15% penalty is paid in full. Benefits are denied at this time.

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such

individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest, and lien fees, is paid in full.

Claimant currently owes a balance of \$4,509.00, including a 15% penalty, due to a decision issued on November 15, 2017, which found that the claimant failed to report or incorrectly reported earnings, resulting in a determination that the claimant engaged in misrepresentation pursuant to Iowa Code § 96.16(4). Because this fraud balance remains unpaid, claimant is not eligible for benefits at this time. See Iowa Code § 96.5(13).

DECISION:

The February 5, 2019 (reference 02) unemployment insurance decision is affirmed. The claimant is not eligible for benefits at this time. Benefits are withheld until the claimant has paid the unpaid fraud overpayment balance, plus the 15% penalty, and provided claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs