

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ENRIQUE A OLGUIN**  
Claimant

**APPEAL 19A-UI-03615-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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

**STATEMENT OF THE CASE:**

On May 1, 2019, the claimant filed an appeal from the April 24, 2019, (reference 01) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$448.00 as a result of a redetermination of his weekly benefit amount. The claimant was properly notified of the hearing. A telephone hearing was held on May 21, 2019. The claimant participated and testified.

**ISSUE:**

Is the claimant overpaid benefits which must be repaid?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A monetary record was initially mailed to claimant's last known address on January 23, 2019. That record listed two employers within claimant's base period, Olson Partners LLC (account number 571457) and Parking Lot Specialties (account number 338831). The record showed \$1,514.43 in wages from Olson Partners for the fourth quarter of 2017. Claimant never worked for or earned wages from Olson Partners. This information came to the attention of Iowa Workforce Development (IWD), who investigated and found that Olson Partners had entered an incorrect social security number for one of its employees. That social security number matched the claimant's which is why the wages were incorrectly attributed to him. Claimant did not notice the wages from Olson Partners when he received in monetary determination in January 2019.

Once the reporting error came to the attention of IWD, claimant's monetary record was adjusted to reflect the correct wages. Once the wages from Olson Partners were removed, claimant's weekly benefit amount went from \$439.00 to \$375.00. A corrected monetary record was mailed to the claimant's last known address of record on March 14, 2019. Claimant had filed for and received weekly benefits in the amount of \$439.00 for the seven-week period beginning January 20, 2019 and ending March 9, 2019. Claimant should have only been receiving \$375.00 each of those weeks, resulting in a \$448.00 overpayment. The corrected monetary

determination that resulted in the overpayment had been affirmed in a decision of the administrative law judge in appeal 19A-UI-03614-NM-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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 correcting claimant's weekly benefit amount has been affirmed, the claimant was overpaid \$448.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated April 24, 2019 (reference 01), is affirmed. The claimant was overpaid \$448.00 in unemployment insurance benefits, which must be repaid.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs