

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE STALEY
Claimant

APPEAL NO. 19A-UI-04672-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/07/19
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Nicole Staley filed a timely appeal from the June 10, 2019, reference 06, decision that held she was overpaid \$618.00 in benefits for the two-week period of May 5-18, 2019, based on an earlier decision that disqualified her for benefits for that period due to a conclusion that she was unable to work. After due notice was issued, a hearing was held on July 3, 2019. Ms. Staley participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 19A-UI-04670-JTT and 19A-UI-04671-JTT. Department Exhibits D- through D-5 were received into evidence.

ISSUES:

Whether the claimant was overpaid \$618.00 in benefits for the two-week period of May 5-18, 2019, based on an earlier decision that disqualified her for benefits for that period due to a conclusion that she was unable to work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Nicole Staley established an original claim for benefits that was effective April 7, 2019 and received benefits that included \$618.00 in benefits for the two-week period of May 5-18, 2019. On June 4, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 03 decision that denied benefits for that period, based on the deputy's conclusion that Ms. Staley was unable to work during that period due to illness. The June 4, 2019, reference 03, decision prompted the overpayment decision from which Ms. Staley appeals in the present matter. The June 4, 2019, reference 03, decision has been affirmed on appeal in Appeal Number 19A-UI-04670-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.

Ms. Staley received \$618.00 in benefits for the two-week period of May 5-18, 2019, but was disqualified for those benefits based on the June 4, 2019, reference 03, decision that has now been affirmed on appeal. Accordingly, the \$618.00 in benefits that Ms. Staley received for the two-week period of May 5-18, 2019 is an overpayment benefit that she is required to repay. Iowa Workforce Development records reflect that the benefits have been recovered through an offset of benefits during the two-week period of June 2-15, 2019.

DECISION:

The June 10, 2019, reference 06, decision is affirmed. The claimant was overpaid \$618.00 in benefits for the two-week period of May 5-18, 2019. The benefits have been recovered through an offset of benefits during the two-week period of June 2-15, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn