

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

CURTIS A KADLEC
Claimant

APPEAL NO. 18A-UI-05725-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/15/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Curtis Kadlec filed a timely appeal from the May 18, 2018, reference 06, decision that held he was overpaid \$996.00 in unemployment insurance benefits for three weeks between April 15, 2018 and May 5, 2018, based on an earlier decision that disqualified him for benefit in connection with a voluntary quit from employer Chep Recycled Pallet Solutions. After due notice was issued, a hearing in this matter commenced on June 11, 2018 as a consolidated hearing with Appeal Number 18A-UI-05724-JTT, concerning Mr. Kadlec's separation from Whirlpool Corporation. Mr. Kadlec participated. The hearing record was subsequently reopened. After due notice was issued, a hearing in this matter recommenced and concluded on June 28, 2018, as a consolidated hearing with Appeal Number 18A-UI-06454-JTT, concerning Mr. Kadlec's separation from Pallet Companies, Inc./Chep Recycled Pallet Solutions. The administrative law judge took official notice of the following Agency administrative records: DBRO and WAGE-A.

ISSUE:

Whether Mr. Kadlec was overpaid \$996.00 in unemployment insurance benefits for three weeks between April 15, 2018 and May 5, 2018, based on an earlier decision that disqualified him for benefits in connection with a voluntary quit from employer Chep Recycled Pallet Solutions.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Curtis Kadlec was employed by Pallet Companies, Inc. d/b/a Chep Recycled Pallet Solutions, as a full-time laborer for one day in January 2017 and voluntarily quit that employment on January 24, 2017 without good cause attributable to the employer. *See Appeal Number 18A-UI-06454-JTT.* Subsequent to the separation, Mr. Kadlec requalified for unemployment insurance benefits during the second quarter of 2017 by earning 10 times his weekly benefit amount. *Id.* Mr. Kadlec established an original claim for benefits that was effective April 15, 2018 and received \$996.00 in unemployment insurance benefits for three weeks between April 15, 2018 and May 5, 2018.

On May 14, 2018, a Workforce Development Benefits Bureau deputy entered a reference 04 decision that disqualified Mr. Kadlec for unemployment insurance benefits. The Benefits Bureau deputy relied on an erroneous April 15, 2018 separation provided by ADP/Equifax and included that date as the date of separation in the May 14, 2018, reference 04, disqualification decision. The reference 04 disqualification decision prompted the overpayment decision from which Mr. Kadlec appeals in the present matter. The May 14, 2018, reference 04, disqualification decision has been modified on appeal to correct the separation date to January 24, 2017 and to hold that Mr. Kadlec requalified for benefits prior to establishing the April 15, 2018 original claim. *See Appeal Number 18A-UI-06454-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.

Because the disqualification decision that prompted the overpayment decision in this matter has been modified on appeal to correct the separation date to January 24, 2017 and to hold that Mr. Kadlec requalified for benefits prior to establishing the April 15, 2018 original claim, the evidence in the record establishes that Mr. Kadlec was not overpaid \$996.00 in unemployment insurance benefits for three weeks between April 15, 2018 and May 5, 2018.

DECISION:

The May 18, 2018, reference 06, decision is reversed. The claimant was not overpaid \$996.00 in unemployment insurance benefits for three weeks between April 15, 2018 and May 5, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs