

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ROBERT DOLAN**  
Claimant

**APPEAL 20A-UI-03179-JE-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 2, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that found the 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 May 11, 2020. The claimant participated in the hearing. IWD did not participate in the hearing. IWD Exhibits A1 through A5-2 were admitted into evidence. 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 filed a claim for unemployment insurance benefits with an effective date of October 13, 2013. During that claim year, a decision was issued on July 21, 2014, which found that the claimant was overpaid benefits in the amount of \$3,321.00. Interest and a 15% penalty were added due to fraud. The claimant did not appeal the decision and it became final. The claimant indicated he was frustrated about the situation and did not appeal even though he disputes the fraud finding. He does not disagree with the amount of the overpayment.

To date, the claimant has failed to pay the outstanding overpayment amount owed, including interest, penalties, and lien fees. The current outstanding balance owed is \$3,321.00.

**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 all penalties, interest, and lien fees are paid in full. Benefits are denied at this time.

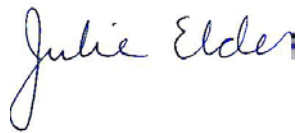
Iowa Code section 96.5(13) provides:

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.

The claimant currently owes a balance of \$3,321.00 due to a decision issued on July 21, 2014, which found that he failed to report or incorrectly reported wages, resulting in a determination that the claimant engaged in misrepresentation pursuant to Iowa Code § 96.16(4). Because this fraud balance remains unpaid, the claimant is not eligible for benefits at this time. See Iowa Code § 96.5(13).

**DECISION:**

The April 2, 2020 (reference 01) unemployment insurance decision is affirmed. The claimant is not eligible for benefits. Benefits are withheld until the claimant has paid the unpaid fraud overpayment balance, plus penalties, interest, and lien fees, provided the claimant is otherwise eligible.



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Julie Elder  
Administrative Law Judge

May 13, 2020  
Decision Dated and Mailed

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