

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

VICTORIA WHITTEN
Claimant

APPEAL NO. 18A-UI-08039-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/27/18
Claimant: Appellant (2)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Victoria Whitten filed a timely appeal from the July 24, 2018, reference 05, decision that held she was overpaid \$700.00 in unemployment insurance benefits for five weeks between June 10, 2018 and July 14, 2018, based on an earlier decision that disqualified her for benefits in connection with her separation from TMone, L.L.C. After due notice was issued, a hearing was held on August 16, 2018. Ms. Whitten participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-08038-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether Ms. Whitten was overpaid \$700.00 in unemployment insurance benefits for five weeks between June 10, 2018 and July 14, 2018, due to an earlier decision that disqualified her for benefits in connection with her separation from TMone, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Victoria Whitten established an original claim for unemployment insurance benefits that Iowa Workforce Development deemed effective May 27, 2018 and received \$700.00 in benefits for five weeks between June 10, 2018 and July 14, 2018. On July 20, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 04 decision that disqualified Ms. Whitten for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Whitten was discharged on May 31, 2018 from employment with TMone, L.L.C. for conduct not in the best interest of the employer. The July 20, 2018, reference 04, disqualification decision prompted the overpayment decision from which Ms. Whitten appeals in the present matter. The July 20, 2018, reference 04, disqualification decision has been reversed in Appeal Number 18A-UI-08038-JTT to allow benefits to Ms. Whitten provided she is otherwise eligible.

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 recover 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 has been reversed on appeal, the administrative law judge concludes that Ms. Whitten was not overpaid \$700.00 in unemployment insurance benefits for five weeks between June 10, 2018 and July 14, 2018.

DECISION:

The July 24, 2018, reference 05, decision is reversed. The claimant was not overpaid \$700.00 in unemployment insurance benefits for five weeks between June 10, 2018 and July 14, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs