

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATTI OLDHAM
Claimant

APPEAL NO. 17A-UI-09269-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/25/17
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Patti Oldham filed a timely appeal from the September 6, 2017, reference 13, decision that she was overpaid \$1,494.00 in benefits for the six-week period of July 16, 2017 through August 26, 2017, based on an earlier decision that disqualified her for benefits in connection with a purported refusal of work with Sedexo Operations, L.L.C. After due notice was issued, a hearing was held on September 27, 2017. Ms. Oldham participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-09268-JTT. The administrative law judge took official notice of the following agency administrative records: DBRO and KCCO.

ISSUE:

Whether Ms. Oldham was overpaid \$1,494.00 in benefits for the six-week period of July 16, 2017 through August 26, 2017, based on an earlier decision that disqualified her for benefits in connection with a purported refusal of work with Sedexo Operations, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Patti Oldham established an original claim for unemployment insurance benefits that was effective June 25, 2017 and received \$1,494.00 in benefits for the six-week period of July 16, 2017 through August 26, 2017. On September 5, 2017, a Workforce Development claims deputy entered a reference 12 decision that disqualified Ms. Oldham for benefits, based on the claims deputy's conclusion that Ms. Oldham had refused an offer of suitable work with Sedexo Operations, L.L.C., on July 1, 2017. The September 5, 2017, reference 12, decision triggered the overpayment decision from which Ms. Oldham appeals in this matter. The September 5, 2017, reference 12, decision has been modified in favor of Ms. Oldham in Appeal Number 17A-UI-09268-JTT to conclude there was not disqualifying work refusal, to conclude that Ms. Oldham was able to work and available for work during the six-week period at issue in the overpayment, and to allow benefits to Ms. Oldham provided she meets all other eligibility requirements.

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 disqualifying decision that prompted the overpayment decision has been modified on appeal to allow benefits for the six-week period at issue, the administrative law judge concludes that Ms. Oldham was not overpaid \$1,494.00 in benefits for the six-week period of July 16, 2017 through August 26, 2017, based on an earlier decision that disqualified her for benefits in connection with a purported refusal of work with Sedexo Operations, L.L.C.

DECISION:

The September 6, 2017, reference 13, decision is reversed. The claimant was not overpaid \$1,494.00 in benefits for the six-week period of July 16, 2017 through August 26, 2017, based on an earlier decision that disqualified her for benefits in connection with a purported refusal of work with Sedexo Operations, L.L.C.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs