

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDSEY M WILLIAMS FOWLER
Claimant

APPEAL NO. 19A-UI-08220-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/28/19
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Lindsey Williams Fowler filed a timely appeal from the October 8, 2019, reference 09, decision that held she was overpaid \$958.00 in unemployment insurance benefits for eight weeks between July 28, 2019 and September 28, 2019 due to an October 3, 2019 administrative law judge decision that denied benefits effective July 28, 2019. After due notice was issued, a hearing was held on November 5, 2019. Ms. Williams Fowler participated in the hearing. Department Exhibits D-1 through D-5 were received into evidence.

ISSUE:

Whether the claimant was overpaid \$958.00 in unemployment insurance benefits for eight weeks between July 28, 2019 and September 28, 2019.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Lindsey Williams Fowler established an original claim for benefits that was effective July 28, 2019. Ms. Williams Fowler received \$958.00 in benefits for eight weeks between July 28, 2019 and September 28, 2019. On October 3, 2019, an administrative law judge entered a decision in Appeal Number 19A-UI-07100-DB-T that denied benefits effective July 28, 2019. The administrative law judge concluded that Ms. Williams Fowler had voluntarily reduced her availability for work with employer D&D Fitness, L.L.C. and therefore could not be deemed partially unemployed within the meaning of the law. The findings of fact in the administrative law judge's decision indicate that the administrative law judge considered Ms. Williams Fowler's eligibility for benefits for the period that included July 28, 2019 through September 28, 2019. The administrative law judge remanded the case to the Benefits Bureau for determination of whether Ms. Williams Fowler was overpaid unemployment insurance benefits and the overpayment amount. The administrative law judge's decision led to the overpayment decision from which Ms. Williams Fowler appeals in the present case. Ms. Williams Fowler appealed the administrative law judge's decision to the Employment Appeal Board. On November 5, 2019, the Employment Appeal Board affirmed the administrative law judge's decision that denied benefits effective July 28, 2019. See Hearing Number 19B-UI-07100.

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. Ms. Williams Fowler received \$958.00 in benefits for eight weeks between July 28, 2019 and September 28, 2019, but the October 3, 2019 administrative law judge's decision adjudicated her ineligible for those benefits. The administrative law judge's decision has been affirmed by the Employment Appeal Board. The \$958.00 in benefits that Ms. Williams Fowler received for eight weeks between July 28, 2019 and September 28, 2019 is an overpayment of benefits that the law requires Ms. Williams Fowler to repay.

DECISION:

The October 8, 2019, reference 09, decision is affirmed. The claimant was overpaid \$958.00 in unemployment insurance benefits for eight weeks between July 28, 2019 and September 28, 2019 due to an October 3, 2019 administrative law judge decision that denied benefits effective July 28, 2019. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn