

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

KHRISTAL L MERCK
Claimant

APPEAL NO. 18A-UI-10703-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/23/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Khristal Merck filed a timely appeal from the October 29, 2018, reference 03, decision that held she was overpaid \$766.00 in benefits for the two-week period of October 7-20, 2018, based on an earlier decision that disqualified her benefits in connection with her discharge from employment with Walmart, Inc. After due notice was issued, a hearing was held on November 9, 2018. Ms. Merck participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-10702-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO).

ISSUE:

Whether the claimant was overpaid \$766.00 in benefits for the two-week period of October 7-20, 2018.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Khristal Merck established an original claim for benefits that was effective September 23, 2018 and received \$766.00 in benefits for the two-week period of October 7-20, 2018. On October 25, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that disqualified Ms. Merck for benefits, based on the deputy's conclusion that Ms. Merck was discharged on September 27, 2018 from employment with Walmart for violation of a known company rule. The October 25, 2018, reference 02, disqualification decision prompted the overpayment decision from which Ms. Merck appeals in the present matter. The October 25, 2018, reference 02, decision has been reversed on appeal. See Appeal Number 18A-UI-10702-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 triggered the overpayment determination has been reversed on appeal to allow benefits to Ms. Merck provided she meets all other eligibility requirements, the administrative law judge concludes that Ms. Merck was not overpaid \$766.00 in benefits for the two-week period of October 7-20, 2018.

DECISION:

The October 29, 2018, reference 03, decision is reversed. The claimant was not overpaid \$766.00 in benefits for the two-week period of October 7-20, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs