

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**DION L EUBANKS**  
Claimant

**APPEAL NO. 18A-UI-08205-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/06/18**  
**Claimant: Appellant (4)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Dion Eubanks filed a timely appeal from the July 30, 2018, reference 02, decision that held he was overpaid \$738.00 in unemployment insurance benefits for the two-week period of July 8-21, 2018, based on an earlier decision that disqualified him for benefits in connection with a determination that he was unavailable for work. After due notice was issued, a hearing was held on August 22, 2018. Mr. Eubanks participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-08204-JTT. The administrative law judge took official notice of the agency's administrative record of wages reported by or for the claimant and benefits disbursed to the claimant (DBRO).

**ISSUES:**

Whether Mr. Eubanks was overpaid \$738.00 in unemployment insurance benefits for the two-week period of July 8-21, 2018, based on an earlier decision that disqualified him for benefits in connection with a determination that he was unavailable for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Dion Eubanks established an original claim for benefits that was effective May 6, 2018. Mr. Eubanks received unemployment insurance benefits that included \$738.00 in benefits for the two-week period of July 8-21, 2018. On July 27, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective July 8, 2018, based on the deputy's conclusion that Mr. Eubanks was unavailable for work due to a lack of transportation. The July 27, 2018, reference 01, decision prompted the overpayment decision from which Mr. Eubanks appeals in the present matter. The July 27, 2018, reference 01, decision has been modified on appeal to deny benefits for the week that ended July 14, 2018, but to allow benefits effective July 15, 2018, provided Mr. Eubanks is otherwise eligible. See Appeal Number 18A-UI-08204-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 decision that denied benefits effective July 8, 2018 has been modified on appeal to deny benefits for the week that ended July 14, 2018, but to allow benefits effective July 15, 2018, provided Mr. Eubanks is otherwise eligible, the evidence establishes that Mr. Eubanks was overpaid \$369.00 in benefits for the week that ended July 14, 2018, but was not overpaid benefits for the week that ended July 21, 2018.

**DECISION:**

The July 30, 2018, reference 02, decision is modified. The claimant was overpaid \$369.00 in benefits for the week that ended July 14, 2018, but was not overpaid benefits for the week that ended July 21, 2018. The claimant must repay the overpaid benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs