

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIANNA WINTERS
Claimant

APPEAL NO: 14A-UI-05174-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/01/13

Claimant: Appellant (2)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Brianna Winters (claimant) appealed a representative's May 12, 2014 decision (reference 05) that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 27, 2014. This appeal was consolidated for hearing with two related appeals, 14A-UI-05173-DT and 14A-UI-04853-DT. The claimant participated in the hearing and was represented by Jim Hamilton, paralegal. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated April 30, 2014 (reference 03) that concluded the claimant was disqualified from receiving benefits after a supposed separation from employment from Sunnybrook Living Care Center (employer). The claimant timely appealed that decision and in the concurrently issued decision in appeal 14A-UI-05173-DT, that decision has been effectively reversed to remove any disqualification.

The overpayment decision was issued in this case as a result of the April 30, 2014 (reference 03) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$3,420.00.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant received benefits for which she subsequently was deemed ineligible in the

representative's decision issued on April 30, 2014. The disqualification from that decision has been reversed in the concurrently issued decision in 14A-UI-05173-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

DECISION:

The representative's May 12, 2014 decision (reference 05) is reversed. The claimant is not overpaid benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs