

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG H WELLER
Claimant

APPEAL NO. 15A-UI-09683-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/12/15
Claimant: Appellant (1)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Craig Weller filed a timely appeal from the August 19, 2015, reference 03, decision that he was overpaid \$106.00 for the week ending July 18, 2015, based on an earlier decision that disqualified him for benefits. After due notice was issued, a hearing was held on September 14, 2015. Mr. Weller participated. The hearing in this matter was consolidated with the hearing in appeal number 15A-UI-09682-JTT. The administrative law judge took official notice of the agency's administrative record of benefits paid to the claimant.

ISSUE:

Whether the claimant was overpaid \$106.00 for the week ending July 18, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Craig Weller established a claim for benefits it was effective July 12, 2015 and received \$106.00 in benefits for the week ending July 18, 2015. On August 17, 2015, a workforce development claims deputy entered a reference 02 decision that disqualified Mr. Weller for benefits in connection with the July 16, 2015 discharge from Swiss Valley Farms Cooperative. The disqualification prompted the overpayment decision from which Mr. Weller appeals in this matter. The disqualification decision has been affirmed on appeal in appeal number 15A-UI-09682-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that if the claimant receives unemployment insurance 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. Because the reference 02 disqualification decision has been affirmed on appeal, the administrative law judge concludes that the \$106.00 in benefits disbursed to Mr. Weller for the week ending July 18, 2015 did indeed constitute an overpayment of benefits that Mr. Weller is required repay. Though Mr. Weller asserts that he has remitted payment, the agency's records do not reflect receipt of such payment.

DECISION:

The August 19, 2015, reference 03, decision is affirmed. The claimant was overpaid \$106.00 for the week ending July 18, 2015. Claimant must re-pay that amount.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css