

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROTH D THOMMEN**  
Claimant

**APPEAL NO. 15A-UI-00560-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/14/14**  
**Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Roth Thommen filed a timely appeal from the January 13, 2015, reference 03, decision that he was overpaid \$993.00 in benefits for the three-week period of December 14, 2014 through January 3, 2015, based on decision that disqualified him for benefits in connection with his separation from Millar Refrigerated Services. After due notice was issued, a hearing was held on February 9, 2015. Mr. Thommen did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-00559-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant.

**ISSUE:**

Whether the claimant was overpaid \$993.00 in benefits for the three-week period of December 14, 2014 through January 3, 2015.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Roth Thommen established a claim for benefits that was effective December 14, 2014 and received \$993.00 in benefits for the three-week period of December 14, 2014 through January 3, 2015. On January 12, 2015, a Workforce Development claims deputy entered a reference 02 decision that disqualified Mr. Thommen for benefits based on his May 2014 separation from Millard Refrigerated Services, Inc. The reference 02 decision has been affirmed in Appeal Number 15A-UI-00559-JTT. Workforce Development records do not reflect any wages reported for Mr. Thommen from the time of his May 2014 separation from this employer to the time he established his claim for benefits in December 2014.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is later deemed ineligible for those benefits, the claimant must repay the benefits even if the claimant was not at fault in receiving the benefits. Mr. Thommen received \$993.00 in benefits for the three-week

period of December 14, 2014 through January 3, 2015. The January 12, 2015, reference 02, decision disqualified Mr. Thommen for benefits based on his May 2014 separation from Millard Refrigerated Services, Inc. and that disqualification decision has been affirmed on appeal. Accordingly, the \$993.00 that Mr. Thommen received for the three-week period of December 14, 2014 through January 3, 2015 constitutes an overpayment of benefits. Mr. Thommen must repay that amount.

**DECISION:**

The January 13, 2015, reference 03, decision is affirmed. The claimant was overpaid \$993.00 in benefits for the three-week period of December 14, 2014 through January 3, 2015. The claimant must repay the benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs