

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWIN D VORISEK**  
Claimant

**APPEAL NO. 15A-UI-13200-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/06/15**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Edwin Vorisek filed a timely appeal from the November 19, 2015, reference 03, decision that he was overpaid \$2114 in benefits for seven weeks between September 6, 2015 and October 31, 2015, because of an earlier decision disqualified him for benefits in connection with his discharge from Successful Living Supportive. After due notice was issued, a hearing was held on December 17, 2015. Mr. Vorisek participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-13199-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

**ISSUE:**

Whether the claimant was overpaid \$2114 in benefits for seven weeks between September 6, 2015 and October 31, 2015.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Edwin Vorisek established a claim for benefits that was effective September 6, 2015 and received \$2114 in benefits for seven weeks between September 6, 2015 and October 31, 2015. On November 18, 2015, a Workforce Development Claims Deputy entered a reference 02, decision that disqualified Mr. Vorisek for benefits; based on an Agency conclusion that Mr. Vorisek was discharged from Successful Living Supportive on August 31, 2015 for misconduct in connection with the employment. The reference 02 disqualification decision prompted the overpayment decision from which Mr. Vorisek appeals in the present matter. The reference 02 decision has been affirmed on appeal. See Appeal Number 15A-UI-13199-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Codes Section 96.3(7) provides that if a claimant receives 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 November 18, 2015, reference 02, disqualification decision that prompted the

overpayment decision has been affirmed on appeal, the administrative law judge concludes that the \$2114 in benefits disbursed for seven weeks between September 6, 2015 and October 31, 2015 constitutes an overpayment of benefits. Mr. Vorisek must repay the benefits.

**DECISION:**

The November 19, 2015, reference 03, decision is affirmed. The claimant was overpaid \$2114 in benefits for seven weeks between September 6, 2015 and October 31, 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

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