

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANASTASIA MORTON

Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-04701-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/03/20
Claimant: Appellant (1)**

Iowa Code § 96.16(4) – DM – Misrepresentation

STATEMENT OF THE CASE:

Claimant filed an appeal from the May 13, 2020 (reference 01) unemployment insurance decision that denied benefits due to an unpaid fraud overpayment balance. The parties were properly notified of the hearing. A telephone hearing was scheduled for June 22, 2020, at 9:00 a.m. Claimant did not participate, so no hearing was held. Iowa Workforce Development (IWD) submitted documents in lieu of participating in person. Department's Exhibits 1 – 8 are admitted. Official notice is taken of the administrative record.

ISSUE:

Whether claimant is eligible for benefits due to an unpaid fraud overpayment balance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On October 17, 2017, a decision was issued finding claimant was overpaid benefits in the amount of \$3,194.00, plus interest and a 15% penalty due to misrepresentation. (Exhibit 4) Claimant did not appeal that decision. To date, claimant has not paid the fraud overpayment balance, including interest and penalty. The current balance owed is \$3,680.90. (Exhibit 6)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has an unpaid fraud overpayment balance. Benefits are denied.

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest and lien fees, is paid in full.

Iowa Code section 96.16(4) provides:

4. Misrepresentation.

a. An individual who, by reason of the nondisclosure or misrepresentation by the individual or by another of a material fact, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in the individual's case, or while the individual was disqualified from receiving benefits, shall, be liable to repay to the department for the unemployment compensation fund, a sum equal to the amount so received by the individual. If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past-due contributions in section 96.14, subsection 3.

Claimant currently owes a fraud overpayment balance of \$3,680.90 and, therefore, is not eligible for benefits at this time. The balance must be paid for claimant to be eligible for benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

DECISION:

The May 13, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant has an unpaid fraud overpayment balance and, therefore, is not eligible for benefits at this time. Benefits are denied until claimant has paid the fraud overpayment balance, plus penalties and interest, and provided she is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

June 30, 2020
Decision Dated and Mailed

acw/scn