

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>JULIE MORENO</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO. 17A-UI-11689-JTT</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 10/08/17</b> <b>Claimant: Appellant (1)</b></div>
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Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Julie Moreno filed a timely appeal from the November 8, 2017, reference 04, decision that held she was overpaid \$833.00 in benefits for the three-week period of October 8-28, 2017, due to an earlier decision that disqualified her for benefits in connection with a voluntary quit from QPS Employment Group, Inc. After due notice was issued, a hearing was held on December 5, 2017. Ms. Moreno participated. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-11688-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant and received Exhibits 1 2 and A into evidence.

**ISSUE:**

Whether Ms. Moreno was overpaid \$833.00 in benefits for the three-week period of October 8-28, 2017.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Julie Moreno established a claim for benefits that was effective October 8, 2017. Ms. Moreno received \$833.00 in benefits for the three-week period of October 8-28, 2017. On November 6, 2017, a Workforce Development claims deputy entered a reference 03 decision that disqualified Ms. Moreno for unemployment insurance benefits, based on the claims deputy's conclusion that Ms. Moreno had voluntarily quit employment with QPS Employment Group, Inc., on September 25, 2017 without good cause attributable to the employer. That disqualification decision prompted the overpayment decision from which Ms. Moreno appeals in the present matter. November 6, 2017, disqualification decision has been modified in Appeal Number 17A-UI-11688-JTT only to indicate a September 26, 2017 voluntary quit without good cause attributable to the employer based on a non-work related medical condition. The disqualification was affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code 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. The overpayment issue arose in response to the November 6, 2017, reference 03, decision that disqualified Mr. Moreno for benefits in connection with a September 25, 2017 separation from QPS Employment Group, Inc. Because that decision disqualified Ms. Moreno for benefits, and because the disqualification decision has been modified on appeal with the disqualification affirmed, the administrative law judge concludes that the \$833.00 in benefits that Ms. Moreno received for the three-week period of October 8-28, 2017 constitutes an overpayment of benefits. Ms. Moreno must repay the benefits to Iowa Workforce Development.

**DECISION:**

The November 8, 2017, reference 04, decision is affirmed. The claimant was overpaid \$833.00 in benefits for the three-week period of October 8-28, 2017. 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/rvs