

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARMANDO A AMAYA
Claimant

APPEAL NO. 11A-UI-14015-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/07/10
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Armando A. Amaya filed a timely appeal from an unemployment insurance decision dated October 14, 2011, reference 02, that ruled he had been overpaid benefits in the gross amount of \$9,746.50 for the 25 weeks ending April 3, 2010. After due notice was issued, a telephone hearing was held November 22, 2011, with Mr. Amaya participating. Ike Rocha served as interpreter. Claimant's Exhibit A was admitted into evidence. The administrative law judge takes official notice of Agency benefit payment records and decision records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Armando A. Amaya received unemployment insurance benefits in the gross amount of \$9,746.50 for the 25 weeks ending April 3, 2010. Mr. Amaya left employment in Iowa to move to North Carolina in October 2009 after his house had flooded. Upon arriving in North Carolina, he promptly contacted the North Carolina agency equivalent to Iowa Workforce Development. It, in turn, contacted Iowa. Mr. Amaya had opened an Iowa benefit year in March of 2009. After arriving in North Carolina, rather than opening an additional claim, which would have resulted in the most recent employer being contacted, the claim was re-opened without notice to employers. Mr. Amaya started receiving benefits with the week ending October 17, 2009. The separation issue was not discovered until Mr. Amaya opened a new benefit year effective March 7, 2010. This claim led to a fact-finding decision disqualifying Mr. Amaya for benefits upon a finding that he had voluntarily left employment in order to move to a new locality. That decision was affirmed by an administrative law judge decision in June of 2010. That decision has not been appealed.

REASONING AND CONCLUSIONS OF LAW:

At the outset, the administrative law judge notes that Mr. Amaya has not acted in bad faith or has committed any fraud. Benefits were paid beginning in the fall of 2009 because of missed communications as to whether Mr. Amaya's former employer needed to be notified.

Iowa Code section 96.3-7 requires that benefits paid in error be repaid, even if the individual who has received those benefits is not at fault for the overpayment. Fraud or bad faith is not required. The evidence here establishes that Mr. Amaya received benefits to which he was not entitled, through no fault of his own. State law requires that the benefits be repaid.

DECISION:

The unemployment insurance decision dated October 14, 2011, reference 02, is affirmed. The claimant has been overpaid \$9,746.50 for the 25 weeks ending April 3, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw