

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIMOTHY NOEL**  
Claimant

**APPEAL 20A-UI-03566-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/19/20  
Claimant: Appellant (1)**

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Iowa Code § 96.5(13) – Disqualification due to Outstanding Fraud Overpayment  
Iowa Code § 96.16(4) – Offenses and Misrepresentation

**STATEMENT OF THE CASE:**

The claimant/appellant, Timothy Noel, filed an appeal from the April 22, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was ineligible for unemployment insurance benefits due to an outstanding fraud overpayment balance.

The parties were properly notified of the hearing. A telephone hearing was held on May 18, 2020. The claimant participated personally. IWD Investigation and Recovery Unit elected to participate by writing only and IWD Exhibits A1-A5 were admitted into evidence. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

**ISSUE:**

Is the claimant ineligible for benefits due to an outstanding fraud overpayment balance?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of August 9, 2009. During that claim year, an investigatory audit was conducted regarding the claimant’s failure to report all wages while concurrently filing weekly continued claims for benefits. Consequently, a decision was issued on June 24, 2011, which found that the claimant was overpaid benefits in the amount of \$399.00. (Department Exhibit A3) The claimant did not appeal this decision and it became final.

The claimant then established a claim with an effective date of April 19, 2020. To date, the claimant has failed to pay the outstanding overpayment amount owed, including interest, penalties, and lien fees. The current outstanding balance owed is \$319.00 (Department Exhibit A4).

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant is ineligible for benefits due to an outstanding fraud overpayment. Benefits are denied at this time, and until the balance owed is paid.

Iowa Code section 96.16(4)(a) provides:

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.

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.

While the administrative law judge understands claimant has no recollection of receiving documentation related to the overpayment investigation and decision, that decision remains final at this time. The only issue before the administrative law judge here is whether the claimant is ineligible due to an unpaid overpayment balance. The Department has established that there is an unpaid overpayment balance, and therefore the administrative law must find claimant is ineligible for benefits.

If the claimant truly first learned of the June 24, 2011 overpayment decision only when the April 22, 2020 decision finding him ineligible for benefits due to that outstanding overpayment was issued and disagrees with the overpayment decision, he may wish to appeal the overpayment decision itself.

**DECISION:**

The April 22, 2020 (reference 01) unemployment insurance decision is AFFIRMED. The claimant is ineligible for benefits at this time due to an unpaid fraud overpayment balance. Benefits are withheld until the claimant has paid the unpaid fraud overpayment balance.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

May 21, 2020  
Decision Dated and Mailed

abd/scn

*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 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>.