

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELIA R TAUBER
Claimant

APPEAL 18A-UI-11128-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/19/17
Claimant: Appellant (1)**

Iowa Code § 96.5(13) – Disqualification due to Outstanding Fraud Overpayment Balance

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 7, 2018 (reference 04) Iowa Workforce Development (“IWD”) unemployment insurance decision that found claimant was not eligible for unemployment insurance benefits due to an outstanding fraud overpayment balance that was owed. The parties were properly notified of the hearing. A telephone hearing was held on November 30, 2018. The claimant, Angelia R. Tauber, participated personally. Kevan Irvine participated on behalf of IWD. Attorney David Steen represented IWD. IWD Exhibits 1 – 4 were admitted. 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 May 18, 2014. During that claim year, a decision was issued on March 19, 2015 that found the claimant was overpaid benefits of \$1,465.88, including a 15% penalty due to misrepresentation. Claimant did not appeal the decision and it became final. Some payments have been applied to the unpaid overpayment balance owed. See Exhibit 2.

To date, claimant has failed to pay the outstanding overpayment penalty that was imposed. The current outstanding overpayment penalty balance owed is \$219.88.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not eligible for benefits until the fraud overpayment penalty balance of \$219.88 is paid in full.

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.

Claimant currently owes a balance of \$219.88 due to a decision issued on March 19, 2015 which found that the claimant failed to report or incorrectly reported wages from Hospitality Investors LLC, resulting in determination that the claimant engaged in misrepresentation pursuant to Iowa Code § 96.16(4). Because this fraud penalty balance remains unpaid, claimant is not eligible for benefits until the balance of \$219.88 is paid in full. See Iowa Code § 96.5(13).

DECISION:

The November 7, 2018 (reference 04) unemployment insurance decision is affirmed. The claimant is not eligible for benefits at this time. Benefits are withheld until the claimant has paid the unpaid fraud overpayment penalty balance of \$219.88, provided claimant is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs