

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLAYTON E GRASHORN
Claimant

APPEAL NO. 12A-EUCU-00041-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Clayton E. Grashorn filed a timely appeal from an unemployment insurance decision dated January 19, 2012, reference 01, that ruled he had been overpaid emergency unemployment compensation benefits in the gross amount of \$2,018.10 for the eight weeks ending August 22, 2009. After due notice was issued, a telephone hearing was held February 27, 2012 with Mr. Grashorn participating.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Clayton E. Grashorn filed a claim for unemployment insurance benefits effective April 19, 2009. The claim was initially filed as a combined wage claim with wages from both Iowa and Nebraska being used to compute benefits. The Nebraska wages were later withdrawn because Mr. Grashorn had left his Nebraska employment without good cause attributable to the employer. Rather than disqualifying Mr. Grashorn for benefits, his benefits were then computed using only his Iowa wages. After deleting the Iowa wages, his total base period wages were less than 150 percent of the wages in his highest quarter.

Mr. Grashorn has filed a new state claim effective August 14, 2011. He has exhausted state benefits and has begun receiving emergency unemployment compensation benefits based on that claim. Half his emergency unemployment compensation benefits are being withheld to apply to the prior overpayment. As of the date of the hearing, the remaining balance of the prior overpayment is \$1,125.60.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether the original overpayment amount is accurate. It is. Mr. Grashorn received emergency unemployment compensation benefits for weeks that he was not eligible to

receive them. As a general rule, benefits paid in error must be repaid, even if the individual who had received the benefits did not cause the overpayment. See Iowa Code section 96.3-7.

The remaining question is whether the administrative law judge should remand the overpayment for the agency to consider a waiver. Section 871 IAC 24.50(7) allows waivers of overpayments of emergency unemployment compensation benefits in some circumstances. The present overpayment occurred in part because of deleted wage credits that occurred because Mr. Grashorn had resigned employment without good cause attributable to his employer. Since his separation led to the deletion of the wage credits which in turn led to the overpayment, the administrative law judge concludes that it is not appropriate to remand the question of waiver.

DECISION:

The unemployment insurance decision dated January 19, 2012, reference 01, is affirmed. The claimant has been overpaid emergency unemployment compensation benefits totaling \$2,018.10. As of the date of this hearing the remaining balance of the overpayment is \$1,125.60.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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