

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MWANZA C KAYAKA
Claimant

APPEAL NO. 19A-UI-04110-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/14/19
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Mwanza Kayaka filed a timely appeal from the May 10, 2019, reference 03, decision that held he was overpaid \$1,026.00 in unemployment insurance benefits for three weeks between April 14, 2019 and May 4, 2019, based on an earlier decision that disqualified him for benefits in connection with a discharge from employment with Whirlpool Corporation. After due notice was issued, a hearing was held on June 13, 2019. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-04109-JTT. Mr. Kayaka did not comply with the hearing notice instructions to register a telephone number for the hearing and did not participate. The administrative law judge took official notice of the Agency's administrative record of unemployment insurance benefits paid to Mr. Kayaka.

ISSUE:

Whether Mr. Kayaka was overpaid \$1,026.00 in unemployment insurance benefits for three weeks between April 14, 2019 and May 4, 2019, based on an earlier decision that disqualified him for benefits in connection with a discharge from employment with Whirlpool Corporation.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mwanza Kayaka established an original claim for benefits that was effective April 14, 2019 and received \$1,026.00 in unemployment insurance benefits for three weeks between April 14, 2019 and May 4, 2019. On May 9, 2019, an Iowa Workforce Development representative entered a reference 02 decision that disqualified Mr. Kayaka for benefits, based on the deputy's conclusion that Whirlpool Corporation had discharged Mr. Kayaka on January 29, 2019 for excessive unexcused absences. The May 9, 2019, reference 02, disqualification decision triggered the overpayment decision from which Mr. Kayaka appeals in the present matter. The disqualification decision has been reversed in Appeal Number 19A-UI-04109-JTT to allow benefits to Mr. Kayaka provided he is otherwise eligible.

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 recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the disqualification decision that triggered the overpayment decision has been reversed on appeal to allow benefits provided Mr. Kayaka is otherwise eligible, the administrative law judge concludes that Mr. Kayaka was not overpaid \$1,026.00 in unemployment insurance benefits for three weeks between April 14, 2019 and May 4, 2019.

DECISION:

The May 10, 2019, reference 03, decision is reversed. The claimant was not overpaid \$1,026.00 in unemployment insurance benefits for three weeks between April 14, 2019 and May 4, 2019.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs