

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIRELVIS GONZALEZ GONZALEZ
Claimant

APPEAL 19A-UI-00550-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/04/18
Claimant: Appellant (1R)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 10, 2019, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,736.00 as a result of a disqualification decision. The claimant was properly notified of the hearing. A telephone hearing was held on February 4, 2019. The claimant participated with the assistance of a Spanish interpret from CTS Language Link. Sandra Armenta was also present on behalf of the claimant.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of November 4, 2018. The claimant filed for and received a total of \$3,736.00 in unemployment insurance benefits for the weeks between November 4, 2018 and December 29, 2018.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 19A-UI-00548-NM-T. However, that decision also remanded the issue of claimant's ability to and availability for work to the Benefits Bureau of Iowa Workforce Development, as that issue is determined on a week-by-week basis.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is

not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$3,736.00 in unemployment insurance benefits. However, because the underlying issue resulting in the overpayment had been remanded for further investigation in appeal 19A-UI-00548-NM-T, the issue of claimant's overpayment must also be remanded for a determination consistent with that decision.

DECISION:

The unemployment insurance decision dated January 10, 2019 (reference 04), is affirmed. The claimant was overpaid \$3,736.00 in unemployment insurance benefits, which must be repaid.

REMAND:

Claimant's overpayment is remanded to the Benefits Bureau of Iowa Workforce Development for a decision consistent with a determination on the issue remanded in appeal 19A-UI-00548-NM-T.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs