AMBER C MELENDEZ Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 19R-UI-09185-SC-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 06/30/19 Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On October 15, 2019, Amber C. Melendez (claimant) appealed an unemployment insurance decision dated October 11, 2019, reference 08, that concluded she was overpaid $885.00 in unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on November 4, 2019. The claimant did not register a phone number prior to the start of the hearing and default decision was issued. The claimant appealed the default decision to the Employment Appeal Board (EAB). On November 21, 2019, the EAB remanded the case for a new hearing.

After due notice was issued, a telephone hearing was held on December 16, 2019 and consolidated with the hearing for appeal 19R-UI-09184-SC-T. The claimant participated. The Department's Exhibits D1 and D2 were admitted into the record. The administrative law judge took official notice of the fact-finding documents for the unemployment decision insurance decisions dated September 18, 2019, reference 03, and September 24, 2019, reference 06.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 30, 2019. The claimant filed for and received a total of $885.00 in unemployment insurance benefits for the weeks between July 28 and August 24, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits as she was not able to and available for work during that time has been affirmed in a decision of the administrative law judge in appeal 19R-UI-09184-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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 $885.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 11, 2019, reference 08, is affirmed. The claimant was overpaid $885.00 in unemployment insurance benefits, which must be repaid.

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Stephanie R. Callahan
Administrative Law Judge

December 17, 2019
Decision Dated and Mailed

src/scn