

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARKEISHA L ROLAN**  
Claimant

**APPEAL 20A-UI-04995-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**

**OC: 05/17/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(13) – Disqualification Due to Outstanding Fraud Overpayment  
Iowa Code § 96.16(4) – Offenses and Misrepresentation

**STATEMENT OF THE CASE:**

On May 28, 2020, the claimant filed an appeal from the May 28, 2020, (reference 01) unemployment insurance decision that concluded claimant was not eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance. Iowa Workforce Development mailed a hearing notice to the claimant for a telephone hearing scheduled for June 24, 2020, at 4:05 p.m. Claimant participated personally. Iowa Workforce Development (IWD) did not participate personally, but its Exhibits 1 through 3 were entered in the record.

**ISSUE:**

Is the claimant eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance?

**FINDINGS OF FACT:**

Claimant filed a claim for unemployment insurance benefits with an effective date of May 19, 2019. Claimant received benefits during that benefit year. Iowa Workforce Development conducted an investigation to determine whether claimant properly reported wages during that claim year.

On February 20, 2020, IWD issued a reference 06 unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$2,181.00 for the 18 weeks ending October 5, 2019. IWD also assessed a 15 percent penalty based on a finding of misrepresentation. Claimant appealed the decision. It was affirmed in Appeal No. 20A-UI-04979-CL-T

Claimant owes Iowa Workforce Development an unpaid balance of \$2,508.15.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.16(4)(a) provides:

4. Misrepresentation.

a. An individual who, by reason of the nondisclosure or misrepresentation by the individual or by another of a material fact, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in the individual's case, or while the individual was disqualified from receiving benefits, shall be liable to repay to the department for the unemployment compensation fund, a sum equal to the amount so received by the individual. If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past-due contributions in section 96.14, subsection 3.

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.

The claimant owes an overpayment balance due to a decision issued on February 20, 2020, which found that the claimant was overpaid benefits and engaged in misrepresentation pursuant to Iowa Code § 96.16(4). Claimant has not repaid the overpayment balance in full. According to Iowa law, claimant is disqualified from receiving regular unemployment insurance benefits until the balance, including all penalties and interest, is paid in full.

**DECISION:**

The May 28, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant has not paid the fraud overpayment balance and benefits are denied.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

July 7, 2020  
Decision Dated and Mailed

cal/scn

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.