

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN M WALTERS
Claimant

APPEAL NO. 15A-UI-00005-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/23/14
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Brian Walters filed a timely appeal from the December 23, 2014, reference 02, decision that held he was overpaid \$1248 in benefits for the three weeks between November 23, 2014 and December 13, 2014; based on the earlier decision that disqualified him for benefits in connection with his separation from Western Engineering Company, Inc. After due notice was issued, a hearing was held on January 27, 2015. Mr. Walters participated. The hearing in this matter was consolidated with the hearing in Appeal No. 14A-UI-00004-JTT. Exhibits A and B were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to Mr. Walters.

ISSUE:

Whether Mr. Walters was overpaid \$1248 in benefits for the three weeks between November 23, 2014 and December 13, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brian Walters established a claim for benefits that was effective November 23, 2014 and received \$1248 in benefits for the three weeks between November 23, 2014 and December 13, 2014. On November 19, 2014 an Iowa Workforce Development Claims Deputy entered a reference 01 decision that disqualified Mr. Walters for benefits and that relieved the employer of liability for benefits; based on an Agency conclusion that Mr. Walters had voluntarily quit on September 26, 2014 without good cause attributable to the employer. The November 19, 2014, reference 01, decision prompted the December 23, 2014, reference 02, overpayment decision from which Mr. Walters appeals in this matter. The November 19, 2014, reference 01, disqualification decision has been affirmed on appeal in Appeal No. 14A-UI-00004-JTT; based on Mr. Walters' failure to file a timely appeal from the reference 01 decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.3(7) provides that if a claimant receives benefits and is determined ineligible for benefits, the claimant must repay the benefits even if the claimant was not at fault in receiving the benefits. Because the November 19, 2014, reference 01, decision disqualified Mr. Walters for benefits and because that decision was affirmed on appeal; the administrative law judge concludes that the \$1248 in benefits paid to Mr. Walters for the three weeks between November 23, 2014 and December 13, 2014 does indeed constitute an overpayment of benefits. Mr. Walters must repay that amount.

DECISION:

The December 23, 2014, reference 02, decision is affirmed. The claimant was overpaid \$1248 in benefits for the three weeks between November 23, 2014 and December 13, 2014.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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