

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

PATRICK S MOORE
Claimant

APPEAL NO. 18A-UI-02352-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/27/17
Claimant: Appellant (2)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Patrick Moore filed a timely appeal from the February 14, 2018, reference 06, decision that held he was overpaid \$4,126.00 in unemployment insurance benefits for 13 weeks between November 4, 2017 and February 3, 2018, based on an earlier decision that disqualified him for benefits in connection with a separation from Deery Brothers Honda, Inc. After due notice was issued, a hearing was held on March 16, 2018. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-02351-JTT. Mr. Moore participated. Exhibit A was received into evidence. The administrative law judge took official notice of the benefits disbursed to the claimant (DBRO).

ISSUE:

Whether Mr. Moore was overpaid \$4,126.00 in unemployment insurance benefits for 13 weeks between November 4, 2017 and February 3, 2018, based on an earlier decision that disqualified him for benefits in connection with a separation from Deery Brothers Honda, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Patrick Moore established an additional claim for unemployment insurance benefits that was effective November 5, 2017. Mr. Moore received \$4,126.00 in unemployment insurance benefits for 13 weeks between November 4, 2017 and February 3, 2018. On February 13, 2018, a Workforce Development Benefits Bureau deputy entered a reference 05 decision for benefits and that relieved the employer of liability for benefits, based on the Benefits Bureau deputy's conclusion that Mr. Moore voluntarily quit employment with Deery Brothers Honda, Inc. on November 10, 2017 without good cause attributable to the employer. The overpayment decision from which Mr. Moore appeals in this matter was prompted by the February 13, 2018, reference 05, disqualification decision. The reference 05 decision has been reversed in Appeal Number 18A-UI-02351-JTT.

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 prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that Mr. Moore was not overpaid \$4,126.00 in unemployment insurance benefits for 13 weeks between November 4, 2017 and February 3, 2018,

DECISION:

The February 14, 2018, reference 06, decision is reversed. The claimant was not overpaid \$4,126.00 in unemployment insurance benefits for 13 weeks between November 4, 2017 and February 3, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs