

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

EDDIE K HOUSTON
Claimant

APPEAL NO. 18A-UI-05102-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/01/18
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Eddie Houston filed a timely appeal from the April 27, 2018, reference 02, decision that held he was overpaid \$1,419.00 in unemployment insurance benefits for the three-week period of April 1-21, 2018, based on an earlier decision that disqualified him for unemployment insurance benefits in connection with a discharge from employment with C&W Facility Services, Inc. After due notice was issued, a hearing was held on May 18, 2018. Mr. Houston participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-05101-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$1,419.00 in unemployment insurance benefits for the three-week period of April 1-21, 2018, based on an earlier decision that disqualified him for unemployment insurance benefits in connection with a discharge from employment with C&W Facility Services, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Eddie Houston established a claim for unemployment insurance benefits that was effective April 1, 2018 and received \$1,419.00 in unemployment insurance benefits for the three-week period of April 1-21, 2018. On April 26, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified Mr. Houston for benefits, based on the Benefits Bureau deputy's conclusion that Mr. Houston was discharged on March 20, 2018 for violation of a known company rule. The April 26, 2018, reference 01, disqualification decision triggered the overpayment decision from which Mr. Houston appeals in the present matter. The April 26, 2018, reference 01, disqualification decision has been affirmed on appeal in Appeal Number 18A-UI-05101-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 recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because Mr. Houston received the benefits in question and because the disqualification decision that triggered the overpayment decision has been affirmed on appeal, the administrative law judge concludes that Mr. Houston was overpaid \$1,419.00 in unemployment insurance benefits for the three-week period of April 1-21, 2018, based on an earlier decision that disqualified him for unemployment insurance benefits in connection with a discharge from employment with C&W Facility Services, Inc.

DECISION:

The April 27, 2018, reference 02, decision is affirmed. The claimant was overpaid \$1,419.00 in unemployment insurance benefits for the three-week period of April 1-21, 2018, based on an earlier decision that disqualified him for unemployment insurance benefits in connection with a discharge from employment with C&W Facility Services, Inc.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs