

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JOSE M ALFARO
Claimant

APPEAL NO. 18A-UI-07749-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/10/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Jose Alfaro filed a timely appeal from the July 12, 2018, reference 02, decision that held he was overpaid \$1,365.00 in unemployment insurance benefits for the three-week period of June 10-30, 2018, based on an earlier decision that disqualified him for benefits in connection with a purported determination that he was unable to work and unavailable for work. After due notice was issued, a hearing was held on August 8, 2018. Mr. Alfaro participated. After due notice was issued, a hearing was held on August 28, 2018. Mr. Alfaro participated. Spanish-English interpreters Sermin Veagra and Manny Mercedes of CTS Language Link assisted with the hearing. The hearing in his matter was consolidated with the hearing in Appeal Number 18A-UI-07748-JTT. Exhibits 1 through 12 and A through E were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO and KCCO.

ISSUE:

Whether Mr. Alfaro was overpaid \$1,365.00 in unemployment insurance benefits for the three-week period of June 10-30, 2018, based on an earlier decision that disqualified him for benefits in connection with a purported determination that he was unable to work and unavailable for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jose Alfaro established an original claim for benefits that was effective June 10, 2018 and received \$1,365.00 in unemployment insurance benefits for the three-week period of June 10-30, 2018.

On July 11, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified Mr. Alfaro for benefits based on the deputy's conclusion that Mr. Alfaro voluntarily quit employment with Smithfield Fresh Meats Corporation on May 23, 2018 without good cause attributable to the employer and due to a non-work related illness or injury. Contrary to the assertion contained in the July 12, 2018, reference 02, overpayment decision, Iowa Workforce Development has entered no decision that disqualifies Mr. Alfaro for benefits under the able and available provisions of Iowa Code section 96.4(3). The July 11,

2018, reference 01, disqualification decision regarding Mr. Alfaro's purported separation from Smithfield prompted the overpayment decision from which Mr. Alfaro appeals in the present matter. The July 11, 2018, reference 01, disqualification decision, has been reversed on appeal to conclude that Mr. Alfaro was laid-off on May 10, 2018 and to allow benefits to Mr. Alfaro provided he meets all other eligibility requirements. See Appeal Number 18A-UI-07748-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.

The July 11, 2018, reference 01, decision that disqualified Mr. Alfaro for benefits in connection with his purported separation from Smithfield Fresh Meats Corporation has been reversed on appeal to allow benefits to Mr. Alfaro provided he meets all other eligibility requirements. Iowa Workforce Development has entered no decision that disqualifies Mr. Alfaro under the able and available provisions of Iowa Code section 96.4(3). For these reasons, the administrative law judge concludes that Mr. Alfaro was not overpaid \$1,365.00 in unemployment insurance benefits for the three-week period of June 10-30, 2018.

DECISION:

The July 12, 2018, reference 02, decision is reversed. The claimant was not overpaid \$1,365.00 in unemployment insurance benefits for the three-week period of June 10-30, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs