

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY M DECKLAR
Claimant

APPEAL NO. 16A-UI-11276-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/24/16
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Ashley Decklar filed a timely appeal from the October 7, 2016, reference 04, decision that concluded she was overpaid \$1,746.00 in unemployment insurance benefits for the nine weeks between July 24, 2016 and September 24, 2016, based on a disqualification decision entered by an administrative law judge on September 26, 2016. After due notice was issued, a hearing was held on November 2, 2016. Ms. Decklar participated in the hearing. Exhibit A was received into evidence. The administrative law judge took official notice of the following agency administrative records: the record of benefits paid to Ms. Decklar (DBRO), the decision in Appeal Number 16A-09667-B2T, and the record concerning the current status of Ms. Decklar's appeal from the decision in Appeal Number 16A-09667-B2T (NMRO).

ISSUE:

Whether Ms. Decklar was overpaid \$1,746.00 in unemployment insurance benefits for the nine weeks between July 24, 2016 and September 24, 2016, based on a disqualification decision entered by an administrative law judge on September 26, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ashley Decklar established a claim for benefits that was effective July 24, 2016. Ms. Decklar received \$1,746.00 in benefits for the nine weeks between July 24, 2016 and September 24, 2016.

On August 25, 2016, a Workforce Development claims deputy entered a reference 02 decision that allowed benefits to Ms. Decklar, provided she met all other eligibility requirements, based on a conclusion that Ms. Decklar had been discharged by CBOCS, Inc., a/k/a Cracker Barrel, on June 22, 2016 for no disqualifying reason. The employer appealed the August 25, 2016, reference 02, decision.

On September 26, 2016, an administrative law judge entered a decision in Appeal Number 16A-09667-B2T. That decision disqualified Ms. Decklar for benefits in connection with the June 22, 2016 discharge from CBOCS, Inc., a/k/a Cracker Barrel. The administrative law

judge's decision also concluded that the employer had participated in the fact-finding interview that preceded the August 25, 2016, reference 02, decision. The administrative law judge decision in Appeal Number 16A-09667-B2T prompted the overpayment decision from which Ms. Decklar appeals in the present matter.

Ms. Decklar had appealed the administrative law judge decision in Appeal Number 16A-09667-B2T. Ms. Decklar's appeal from that decision is pending before the Employment Appeal Board.

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 Ms. Decklar received \$1,746.00 in unemployment insurance benefits for the nine weeks between July 24, 2016 and September 24, 2016 and because the September 26, 2016 administrative law judge's decision that disqualified her for benefits in connection with the June 22, 2016 discharge is still in effect, the benefits that Ms. Decklar received constitute an overpayment of benefits. Because the administrative law judge concluded in Appeal Number 16A-09667-B2T that the employer participated in the fact-finding interview that preceded the August 25, 2016, reference 02, decision, Ms. Decklar is required to repay the overpaid benefits.

DECISION:

The October 7, 2016, reference 04, decision is affirmed. The claimant was overpaid \$1,746.00 in unemployment insurance benefits for the nine weeks between July 24, 2016 and September 24, 2016, based on a disqualification decision entered by an administrative law judge on September 26, 2016.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs