

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**EMILY J SWAILES**  
Claimant

**APPEAL NO. 19A-UI-04710-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/17/19**  
**Claimant: Appellant (2)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Emily Swailes filed a timely appeal from the June 5, 2019, reference 05, decision that stated she was overpaid \$372.00 in benefits for the week that ended May 11, 2019, based on an earlier decision that denied benefits for that week. After due notice was issued, a hearing was held on June 26, 2019. Ms. Swailes participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 19A-UI-04451-JTT and 19A-UI-04452-JTT. Exhibits A through D and Department Exhibits D-1 through D-5 were received into evidence.

**ISSUE:**

Whether Ms. Swailes was overpaid \$372.00 in benefits for the week that ended May 11, 2019, based on an earlier decision that denied benefits for that week.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Emily Swailes established an original claim for benefits that was effective February 17, 2019 and received benefits that included \$372.00 in benefits for the week that ended May 11, 2019. On May 24, 2019, Iowa Workforce Development issued a reference 03 decision that denied benefits for the week of May 5-11, 2019, based on Ms. Swailes weekly claim report that indicated she was not able to work and/or available for work that week. The May 24, 2019, reference 03, decision prompted the overpayment decision from which Ms. Swailes appeals in the present matter. The May 24, 2019, reference 03, decision has been reversed in Appeal Number 19A-UI-04451-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 able and available decision that denied benefits for the week that ended May 11, 2019 has been reversed on appeal, the administrative law judge concludes that Ms. Swailes was not overpaid \$372.00 in benefits for the week that ended May 11, 2019.

**DECISION:**

The June 5, 2019, reference 05, decision is reversed. The claimant was not overpaid \$372.00 in benefits for the week that ended May 11, 2019.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs