

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRITTNAY MCINTIRE
Claimant

APPEAL NO. 13A-UI-10962-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/21/13
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Brittnay McIntire filed a timely appeal from the September 18, 2013, reference 02, decision that she was overpaid \$526.00 in benefits for three weeks between July 21, 2013 and August 10, 2013. After due notice was issued, a hearing was held on October 18, 2013. Ms. McIntire participated. The hearing in this matter was consolidated with the hearing in Appeal Number 13A-UI-10961-JTT. Exhibits One through Six and Department Exhibits D-1, D-2, and D-3 were received into evidence. The administrative law judge took official notice of the agency's administrative record (DBRO) of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$526.00 in benefits for three weeks between July 21, 2013 and August 10, 2013.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brittnay McIntire established a claim for benefits that was effective July 21, 2013 and received \$526.00 in benefits for three weeks between July 21, 2013 and August 10, 2013. On August 29, 2013, a Workforce Development representative entered an August 29, 2013, reference 01 decision that disqualified Ms. McIntire for unemployment insurance benefits in connection with a July 14, 2013 separation from Care Initiatives. The August 29, 2013, reference 01, decision has been affirmed on appeal. See Appeal Number 13A-UI-10961-JTT. The reference 01 decision prompted the overpayment decision that Ms. McIntire is appealing in this matter.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides that a claimant who has received unemployment insurance benefits and who is later deemed ineligible for those benefits must repay the benefits even if the claimant was not at fault in receiving the benefits. Because Ms. McIntire received benefits for which she was later deemed ineligible, the benefits she received constitute an overpayment of benefits that she must repay to Iowa Workforce Development. Ms. McIntire is overpaid \$526.00 in benefits for three weeks between July 21, 2013 and August 10, 2013.

DECISION:

The agency representative's September 18, 2013, reference 02, decision is affirmed. The claimant was overpaid \$526.00 in benefits for three weeks between July 21, 2013 and August 10, 2013. Ms. McIntire must repay the benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs