

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BROOKE ESSY
Claimant

APPEAL NO. 15A-UI-09422-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/05/15
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Brooke Essy filed a timely appeal from the August 14, 2015, reference 04, decision that held she was overpaid \$583.00 in benefits for the three-week period of July 12, 2015 through August 1, 2015, based on an earlier decision that disqualified her for benefits in connection with a discharge from Old Market Ventures, L.L.C. After due notice was issued, a hearing was held on September 9, 2015. Ms. Essy participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-09421-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits paid to Ms. Essy.

ISSUE:

Whether the claimant was overpaid \$583.00 in benefits for the three-week period of July 12, 2015 through August 1, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brooke Essy established a claim for benefits that was effective July 5, 2015 and received \$583.00 in benefits for the three-week period of July 12, 2015 through August 1, 2015. Ms. Essy had established the claim for benefits in response to a July 10, 2015 discharge from Old Market Ventures, L.L.C., d/b/a Twin Peaks. On August 10, 2015, a Workforce Development claims deputy entered a reference 03 decision that disqualified Ms. Essy based on the discharge from Twin Peaks. The reference 03 decision has been affirmed on appeal. See Appeal Number 15A-UI-09421-JTT. The reference 03 disqualification decision prompted the overpayment decision from which Ms. Essy appeals in this matter.

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, then 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 the

disqualification decision that prompted the overpayment decision has been affirmed on appeal, the administrative law judge concludes that Ms. Essy was indeed overpaid \$583.00 in benefits for the three-week period of July 12, 2015 through August 1, 2015. Ms. Essy must repay that amount.

DECISION:

The August 14, 2015, reference 04, decision is affirmed. The claimant was overpaid \$583.00 in benefits for the three-week period of July 12, 2015 through August 1, 2015. The claimant must repay the benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs