

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIFFANY D BAKER**  
Claimant

**APPEAL NO: 09A-UI-16897-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/05/09**

**Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits  
Section 96.6-2 - Timeliness of Appeal

**STATEMENT OF THE CASE:**

Tiffany D. Baker (claimant) appealed a representative's October 28, 2009 decision (reference 02) that concluded she had been overpaid unemployment insurance benefits. A telephone hearing was held on November 12, 2009 in conjunction with a related appeal, 09A-UI-15138-DT. The claimant received the hearing notice and responded by calling the Appeals Section on October 14, 2009. She indicated that she would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, she was not available; therefore, the claimant did not participate in the hearing. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Whether the claimant is overpaid unemployment insurance benefits of \$1,505.00.

**FINDINGS OF FACT:**

A representative issued a decision dated August 26, 2009 (reference 01) that concluded the claimant was disqualified from receiving benefits after a separation from employment from General Novelty, LTD/Coach House Gifts (employer). As determined in the concurrently issued decision in appeal 09A-UI-15138-DT, the claimant did not timely appeal that decision and it has now become final; that decision had also specified that "if this decision denies benefits and is not reversed on appeal, it may result in an overpayment which you will be required to repay."

The overpayment decision was issued in this case as a result of the August 26, 2009 (reference 01) disqualification decision.

The claimant established a claim for unemployment insurance benefits effective July 5, 2009. The claimant has received unemployment insurance benefits after the separation from employment in the amount of \$1,505.00.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is overpaid benefits of \$1,505.00.

As determined in the concurrently issued decision in appeal 09A-UI-15138-DT, the claimant did not timely appeal the decision that caused the overpayment in this case. If the claimant had a dispute with whether or not she should have been disqualified as a result of the separation from the employer, then she needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; Beardslee v. Iowa Department of Job Service, 276 N.W.2d 373 (Iowa 1979). The decision causing the disqualification has now become final and is not subject to review in this case.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$1,505.00 pursuant to Iowa Code § 96.3-7 due to the disqualification decision issued on August 26, 2009. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's October 28, 2009 decision (reference 02) is affirmed. The claimant is overpaid benefits of \$1,505.00.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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