

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHIAS M BOYD
Claimant

APPEAL NO. 17A-UI-11394-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/08/17
Claimant: Appellant (4)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Matthias Boyd filed a timely appeal from the November 2, 2017, reference 05, decision that held he was overpaid \$910.00 in benefits for the two-week period of October 8-21, 2017, based on earlier decision that disqualified him for benefits in connection with a purported September 6, 2017 separation from ELS of Florida, Inc. After due notice was issued, a hearing was held on November 28, 2017. Mr. Boyd participated. The hearing in this matter was consolidated with the hearing in Appeal Number 17A-UI-11393-JTT. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the Agency's administrative record of Mr. Boyd's quarterly wages (WAGEA) as reported by Iowa Workforce Development by his employers.

ISSUES:

Whether Mr. Boyd as overpaid \$910.00 in benefits for the two-week period of October 8-21, 2017.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Matthias Boyd established an original claim for benefits that was effective October 8, 2017. Mr. Boyd received \$910.00 in benefits for the two-week period of October 8-21, 2017. On October 31, 2017, a Workforce Development claims deputy entered a reference 03 decision that disqualified Mr. Boyd for unemployment insurance benefits, based on the claims deputy's conclusion that Mr. Boyd had voluntarily quit employment with ELS of Florida, Inc. on September 6, 2017 without good cause. The disqualification decision prompted the overpayment decision from which Mr. Boyd appeals in this matter. The disqualification decision had been modified in favor of Mr. Boyd in Appeal Number 17A-UI-11393-JTT, to indicate there was no employment separation on September 6, 2017, to indicate instead that Mr. Boyd refused an offer of suitable work on September 6, 2017 for good cause, to indicate that Mr. Boyd had separated from ELS on April 12, 2017 and had subsequently requalified for benefits, and to indicate that Mr. Boyd is eligible for benefits in connection with the October 8, 2017 claim provided he meets all other eligibility requirements.

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 recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the October 31, 2017, reference 03 disqualification decision has been modified on appeal to allow benefits to Mr. Boyd in connection with October 8, 2017 claim for the reasons set forth above, provided he meets all other eligibility requirements, the administrative law judge concludes that Mr. Boyd was not overpaid \$910.00 in benefits for the two-week period of October 8-21, 2017.

DECISION:

The November 2, 2017, reference 05, decision is reversed. The claimant was not overpaid \$910.00 in benefits for the two-week period of October 8-21, 2017.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs