

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

ROBERT L CANNON
Claimant

APPEAL NO. 19A-UI-01893-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/22/18
Claimant: Appellant (1)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Robert Cannon filed a timely appeal from the February 25, 2019, reference 08, decision that held Mr. Cannon was overpaid \$350.00 in unemployment insurance benefits for two weeks between January 13, 2019 and February 2, 2019, based on a February 12, 2019 decision that had disqualified Mr. Cannon for benefits. After due notice was issued, a hearing was held on March 19, 2019. Mr. Cannon participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-01892-JTT. The administrative law judge takes official notice of the decision entered in that matter. Department Exhibit D-4 was received into evidence on the overpayment of benefits issue.

ISSUE:

Whether Mr. Cannon was overpaid \$350.00 in unemployment insurance benefits for two weeks between January 13, 2019 and February 2, 2019, based on a February 12, 2019 decision that disqualified Mr. Cannon for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Robert Cannon established an original claim for benefits that was effective July 22, 2018 and an additional claim for benefits that was effective January 13, 2019. In connection with the additional claim, Mr. Cannon received \$350.00 in unemployment insurance benefits for two weeks between January 13, 2019 and February 2, 2019. On February 12, 2019, an Iowa Workforce Development Benefits Bureau deputy entered the February 12, 2019, reference 07, decision that denied benefits effective January 13, 2019, based on the deputy's conclusion that Mr. Cannon was not partially unemployed from his Walmart employment within the meaning of the law. The February 12, 2019, reference 07, decision triggered the overpayment decision from which Mr. Cannon appeals in the present matter. The February 12, 2019, reference 07, decision has been affirmed on appeal. See Appeal Number 19A-UI-01892-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 recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Mr. Cannon received 350.00 in unemployment insurance benefits for two weeks between January 13, 2019 and February 2, 2019. The February 12, 2019, reference 07, decision disqualified him for those benefits and has been affirmed on appeal. Accordingly, the \$350.00 in unemployment insurance benefits that Mr. Cannon received for two weeks between January 13, 2019 and February 2, 2019 constitutes an overpayment of benefits. Mr. Cannon must repay the overpaid benefits.

DECISION:

The February 25, 2019, reference 08, decision is affirmed. The claimant was overpaid \$350.00 in unemployment insurance benefits for two weeks between January 13, 2019 and February 2, 2019. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs