

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MATTHEW NICHOLSON
Claimant

APPEAL NO. 18A-UI-06302-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/29/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Matthew Nicholson filed a timely appeal from the June 1, 2018, reference 02, decision that held he was overpaid \$1,810.00 in unemployment insurance benefits for the four weeks between April 29, 2018 and May 26, 2018, based on an earlier decision that disqualified him for benefits in connection with his separation from Walmart Inc. After due notice was issued, a hearing was held on June 25, 2018. Mr. Nicholson participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-06301-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$1,810.00 in unemployment insurance benefits for the four weeks between April 29, 2018 and May 26, 2018, based on an earlier decision that disqualified him for benefits in connection with his separation from Walmart Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Matthew Nicholson established an original claim for benefits that was deemed effective April 29, 2018. Mr. Nicholson received \$1,810.00 in unemployment insurance benefits for the four weeks between April 29, 2018 and May 26, 2018.

On May 31, 2018, a Benefits Bureau deputy entered a reference 01 decision that disqualified Mr. Nicholson for benefits, based on a conclusion that Mr. Nicholson was discharged on May 2, 2018 for violation of a known company rule. The May 31, 2018, reference 01, disqualification decision prompted the overpayment decision from which Mr. Nicholson appeals in the present matter. The disqualification decision has been reversed in Appeal Number 18A-UI-06301-JT, to allow benefits to Mr. Nicholson provided he is otherwise eligible.

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 disqualification decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that Mr. Nicholson was not overpaid \$1,810.00 in unemployment insurance benefits for the four weeks between April 29, 2018 and May 26, 2018.

DECISION:

The June 1, 2018, reference 02, decision is reversed. The claimant was not overpaid \$1,810.00 in unemployment insurance benefits for the four weeks between April 29, 2018 and May 26, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs