

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KERRY B LOGAN
Claimant

APPEAL 18A-UI-07347-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/10/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Disqualification due to Outstanding Fraud Overpayment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 10, 2018 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that found claimant was not eligible for unemployment insurance benefits due to an outstanding fraud overpayment balance. The parties were properly notified of the hearing. A telephone hearing was held on July 30, 2018. The claimant participated personally. Kevan Irvine participated on behalf of IWD. IWD Exhibits 1 - 7 were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUE:

Is the claimant ineligible for benefits due to an outstanding fraud overpayment balance?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of January 3, 2010. During that claim year, two decisions were issued on April 15, 2011 (reference 01) and September 14, 2011 (reference 02) which found that the claimant was overpaid benefits due to misrepresentation of wages earned. Claimant did not file timely appeals to either of the two decisions because he agreed with the decisions. Both decisions became final.

To date, claimant has failed to pay the full outstanding overpayment amounts owed, including lien fees. The current outstanding balance owed regarding both decisions is \$8,055.61. See Exhibit 5. This amount includes a \$14.00 lien fee. See Exhibit 5.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not eligible for benefits until the balance of the benefits received by the claimant due to misrepresentation, including lien fees are paid in full. Benefits are denied.

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest, and lien fees, is paid in full.

Claimant agrees that he was overpaid benefits due to misrepresentation. Claimant agrees that he still owes an outstanding fraud overpayment balance to IWD pursuant to Iowa Code § 96.16(4). Because this fraud balance remains unpaid, claimant is not eligible for benefits at this time. See Iowa Code § 96.5(13).

DECISION:

The July 10, 2018 (reference 03) unemployment insurance decision is affirmed. The claimant is not eligible for benefits. Unemployment insurance benefits are denied until the claimant has paid the unpaid fraud overpayment balances, plus lien fees. Claimant must additionally meet all other eligibility requirements.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs