

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEMETRIA WITT**  
Claimant

**APPEAL 20A-UI-02718-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE**  
**DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (4)**

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Iowa Code § 96.5(13) – Disqualification due to outstanding fraud overpayment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 27, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on May 11, 2020, at 11:00 a.m. Claimant participated. Iowa Workforce Development (IWD) submitted documents in lieu of participating personally. Claimant's Exhibit 1 was admitted. Department's Exhibits A – C were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is 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: On November 25, 2015, a decision was issued finding claimant was overpaid benefits in the amount of \$978.00, including interest and a 15% penalty due to fraud. (Exhibit C) Claimant filed an initial claim for unemployment insurance benefits effective March 22, 2020. On March 30, 2020, claimant paid the fraud overpayment balance, including interest and penalty. (Exhibit B) As of March 31, 2020, claimant has no fraud overpayment balance. (Exhibit B)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 paid the fraud overpayment balance, including interest and penalty on March 30, 2020. Therefore, benefits are allowed effective March 31, 2020, provided claimant is otherwise eligible.

**DECISION:**

The March 27, 2020 (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant is ineligible for benefits from March 22, 2020 through March 30, 2020 due to an unpaid fraud overpayment balance. Claimant is eligible for benefits effective March 31, 2020, provided claimant meets all other eligibility requirements.



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May 13, 2020  
Decision Dated and Mailed

acw/scn