

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER LINDEN
Claimant

APPEAL 19A-UI-09983-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/17/19
Claimant: Respondent (2)

Iowa Code § 96.3(7) - Overpayment

STATEMENT OF THE CASE:

On December 17, 2019, Baker's Pride Inc. (employer/appellant) filed a timely appeal from the December 13, 2019 (reference 04) unemployment insurance decision that determined claimant had been overpaid benefits.

The parties were properly notified of the hearing. A telephone hearing was held on January 14, 2020 at 9:05 a.m. Claimant participated personally. Employer participated through Claims Specialist Kimberly Burleigh.

Official notice was taken of claimant's payment and wage history on the department's information database. Employer's Exhibit 1 was admitted.

ISSUE(S):

- I. Was the claimant overpaid benefits?

FINDINGS OF FACT:

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

Claimant is employed by employer full-time. Claimant began employment May 11, 2019. Claimant was temporarily laid off from November 20 through December 11 due to a plant shutdown. Claimant returned to work after the plant shut down at the same hours and wages.

Employer's representative originally protested claimant's claim for benefits because records indicated she was still employed and working. Employer's representative reached out to employer's on-site management team for more information but did not hear back because, unbeknownst to claimant's representative, the plant was shut down. Employer's representative subsequently learned the plant had been shut down and submitted a revised response to the department. Employer's representative did not attend the fact-finding hearing, believing her revised response and claimant's statement should be sufficient to demonstrate claimant was temporarily laid off due to a plant shut down. However, claimant was unable to attend the fact-

finding hearing because she returned to work on that date, and the fact-finding decision determined claimant was not eligible for benefits because she was still employed for the same wages and hours.

The unemployment insurance system shows claimant's weekly benefit amount is \$268.00. Claimant has filed weekly claims from the benefit week ending November 23, 2019 through the benefit week ending December 7, 2019. The total amount of benefits paid to date is \$643.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the December 13 2019 (reference 04) unemployment insurance decision is REVERSED. Claimant is eligible for benefits.

I. Was the claimant overpaid benefits?

The fact-finding decision which determined claimant had been overpaid benefits was based on a prior fact-finding decision that determined claimant was not eligible for benefits. However, this administrative law judge found in 19A-UI-09982-AD-T that claimant was eligible for benefits. Because claimant was eligible for benefits, no overpayment was made.

DECISION:

The December 13, 2019 (reference 04) unemployment insurance decision is REVERSED. Claimant was not overpaid benefits.

Andrew B. Duffelmeyer
Administrative Law Judge

Decision Dated and Mailed

abd/scn