

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKTORIA K SACKETT**  
Claimant

**APPEAL NO: 13A-UI-09996-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/12/13  
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 20, 2013 determination (reference 02) that held her overpaid \$2,694.00 in benefits she received between May 12 and July 13, 2013. The overpayment occurred after an administrative judge reversed an earlier determination that held the claimant eligible to receive benefits.

The claimant participated in the hearing. Based on the evidence, the claimant's arguments and the law, the administrative law judge concludes the claimant has been overpaid benefits based on the administrative law judge's decision for appeal 13A-UI-06938.

**ISSUES:**

Has the claimant been overpaid benefits she received between May 12 and July 13, 2013?

Is the claimant required to pay back any overpayment?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of May 12, 2013. She filed claims for the weeks ending May 18, June 1, 15, 29, and July 6 and 13, 2013. She received her maximum weekly benefit amount of \$385.00 for each of these six weeks.

In late May, a claims specialist contacted the claimant and employer to find out why the claimant's employment ended. The employer participated at the fact-finding interview. Based on the information provided by the employer and the claimant, a May 31, 2013 determination (reference 01) held the claimant qualified to receive benefits. The employer appealed this determination.

After the parties presented testimony at a hearing, an administrative law judge reversed the May 31, 2013 determination and concluded the claimant was not qualified to receive benefits. See decision for appeal 13A-UI-06938.

The claimant did not receive the administrative law judge's decision. After the claimant received the August 20 overpayment determination, she appealed both the overpayment determination and the administrative law judge's decision. At the September 24 hearing, the claimant verified her August 30 appeal letter was meant to appeal both the overpayment determination and the administrative law judge's decision. The claimant's August 30 appeal letter has been forwarded to the Employment Appeal Board as an appeal from 13A-UI-06938.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. The overpayment will not be recovered when it is based on a reversal on appeal of an initial determination to award benefits on an issue regarding the claimant's employment separation if: (1) the benefits were not received due to any fraud or willful misrepresentation by the claimant and (2) the employer did not participate in the initial proceeding to award benefits. The employer will not be charged for benefits whether or not the overpayment is recovered. Iowa Code § 96.3(7)b.

In this case, the initial determination held the claimant qualified to receive benefits. Later, an administrative law judge reversed the initial determination and held the claimant was not qualified to receive benefits. Based on the decision for 13A-UI-06938, the claimant has been overpaid \$2,694.00 in benefits she received between May 12 and July 13, 2013.

The claimant is not at fault in receiving the overpayment. Since the employer participated at the fact-finding interview, the claimant is required to pay back benefits she was not legally entitled to receive.

If the Employment Appeal Board reversed the decision for 13A-UI-06938, the claimant would be legally entitled to receive benefits as of May 12, 2013, and would not be overpaid any benefits.

**DECISION:**

The representative's August 20, 2013 determination (reference 02) is affirmed. Based on the decision for appeal 13A-UI-06938, the claimant was not legally entitled to receive benefits as of May 12, 2013. She has been overpaid \$2,694.00 in benefits she received between May 12 and July 13, 2013. The claimant is not at fault in receiving the overpayment but, is required to pay back the overpayment of benefits.

If the Employment Appeal Board reverses the decision for appeal 13A-UI-06938, the claimant will not be overpaid any benefits because she would be legally entitled to receive benefits as of May 12, 2013.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dew/css