

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEPHAN G BACON
Claimant

APPEAL 20A-UI-02802-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1)

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 6, 2020, at 11:00 a.m. Claimant participated. Iowa Workforce Development (IWD) provided documents in lieu of participating in person. Department's Exhibits 1 – 3 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 June 29, 2015, a decision was issued finding claimant was overpaid benefits in the net amount of \$2,455.63 in the period between March 31, 2013 and August 31, 2013, because he failed to report or incorrectly reported wages earned during that time. (Exhibit 2) The decision also assessed a penalty due to misrepresentation. (Exhibit 2) Claimant did not appeal that decision. To date, claimant has not paid the fraud overpayment balance. The current balance owed is \$2,844.23. (Exhibit 3)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has an unpaid fraud overpayment balance. 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 currently owes a fraud overpayment balance of \$2,844.23 and, therefore, is not eligible for benefits at this time.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The March 27, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant is not eligible for benefits due to an unpaid fraud overpayment balance. Benefits are denied until claimant has paid the unpaid fraud overpayment balance, including any interest and penalties, and is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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Fax (515)478-3528

May 12, 2020
Decision Dated and Mailed

acw/scn