

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 13-IWDUI-377
OC: 3/14/10

Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

RODNEY ESTES
2916 JOHN PATTERSON ROAD
DES MOINES, IA 50317

IOWA WORKFORCE DEVELOPMENT
INVESTIGATION AND RECOVERY
150 DES MOINES STREET
DES MOINES IA 50309

JONI BENSON, IWD
IRMA LEWIS, IWD

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department . If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

September 5, 2013

(Decision Dated & Mailed)

Section 96.3(7) - Recovery of Overpayments

STATEMENT OF THE CASE

Claimant Rodney Estes appealed an Iowa Workforce Development decision, dated July 29, 2013, reference 02, which found that he was overpaid \$396 for the week ending June 8, 2013, because he failed to correctly report wages earned with Forman Ford/Cable Glass LLC. The decision did not allege that the overpayments were due to Mr. Estes' misrepresentation.

Iowa Workforce Development transmitted this case to the Department of Inspections and

Appeals on August 6, 2013, to schedule a hearing. Notice of Hearing issued on August 15, 2013, and this case proceeded to a hearing by telephone before Administrative Law Judge Robert H. Wheeler on September 5, 2013. Appellant Rodney Estes appeared pro se and testified. Investigator Irma Lewis appeared and testified for Iowa Workforce Development (IWD). The packet of documents submitted by Ms. Lewis labeled Exhibits 1 through 5, entered the record without objection. 2013.

FINDINGS OF FACT

In compliance with federal law, Iowa employers notify IWD when an employee begins work. IWD received such notification from Forman Ford regarding this appellant, Mr. Estes. IWD sent a verification form to the employer, and a company representative completed the form and returned it to IWD. (Exhibit 5). This form confirmed that Mr. Estes worked for the company during the week ending June 8, 2013, and earned wages. (Lewis, Estes testimony).

During that same week Mr. Estes claimed unemployment insurance benefits. He claimed no income and received an unemployment benefit in the amount of \$396. (Exhibit 4; Lewis testimony).

Ms. Lewis sent Mr. Estes a notice of this discrepancy and offered him an opportunity to respond to clarify the situation. No response occurred. (Exhibit 3; Lewis testimony).

IWD issued a decision dated July 29, 2013, reference 02, finding Mr. Estes had been overpaid benefits. (Exhibit 1).

Mr. Estes did not dispute his receipt of these benefits or IWD's calculation of the amount of \$396. Mr. Estes explained that he did in fact work for his new employer during the week in question, but that he did not get paid for three weeks. He believed that he could claim benefits in order to have some money to get through that period. (Exhibit 2; Estes testimony).

CONCLUSIONS OF LAW

Iowa law provides that the division of job service must recover any overpayment of benefits regardless of whether the recipient acted in good faith. Recovery may be made by either having a sum equal to the overpayment deducted from future benefits or by having the recipient pay the amount of the overpayment to the division.¹ If any benefits were received due to misrepresentation, the department is entitled to file a lien in the amount of the overpayment in favor of the state against any property owned by the benefits recipient.²

The uncontested evidence in this case demonstrates Rodney Estes did receive overpayment of unemployment benefits in the amount alleged. Mr. Estes admitted the receipt of the benefits, and he did not challenge the amount. Rather, Mr. Estes made it known that he did not intend to defraud the program, but acted in good faith due to his misunderstanding.

¹ Iowa Code section 96.3(7).

² Iowa Code section 96.16(4).

DECISION

The decision dated July 29, 2013, reference 02 is AFFIRMED. The claimant has been overpaid benefits in the amount of \$396. There is neither allegation nor evidence of misrepresentation.

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