

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RALPH A KROLICK**  
Claimant

**APPEAL NO. 16A-UI-11141-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/11/16  
Claimant: Appellant (2)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Ralph Krolick filed a timely appeal from the October 12, 2016, reference 04, decision that held he was overpaid \$2,099.00 in benefits for the eight weeks between March 13, 2016 and May 7, 2016, based on an earlier decision disqualified him for benefits in connection with a separation from Securitas Security Services USA. After due notice was issued, a hearing was held on October 31, 2016. Mr. Krolick participated. The hearing in this matter was consolidated with the hearing in Appeal Number 16A-UI-11140-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the agency's administrative record of benefits disbursed to the claimant. The administrative law judge hereby takes official notice of the October 13, 2016, reference 05, decision that allowed benefits to the claimant in connection with the original claim that was effective September 11, 2016, provided he was otherwise eligible and that relieved the employer's account of liability for benefits in connection with that claim, based on an agency conclusion that the claimant had been paid sufficient wages since the separation to requalify for unemployment insurance benefits in connection with the new claim year.

**ISSUE:**

Whether Mr. Krolick was overpaid \$2,099.00 in benefits for the eight weeks between March 13, 2016 and May 7, 2016.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ralph Krolick established an additional claim for benefits that was effective February 21, 2016. With the exception of the week that ended April 9, 2016, Mr. Krolick received \$269.00 in weekly benefits for each week between February 21, 2016 and May 7, 2016. For the week that ended April 9, 2016, Mr. Krolick received \$219.00 in benefits. The additional claim for benefits in February 2016 was based on an original claim that was effective August 30, 2015. The benefits that Mr. Krolick received for the period of February 21, 2016 and May 7, 2016 included \$2,099.00 in benefits for the eight weeks between March 13, 2016 and May 7, 2016.

On October 10, 2016, a Workforce Development claims deputy entered a reference 01 decision that disqualified Mr. Krolick for benefits based on an agency conclusion that Mr. Krolick had been discharged on March 18, 2016 for misconduct in connection with employment with Securitas Security Services USA. October 10, 2016, reference 01, decision, prompted the overpayment decision from which Mr. Krolick appeals in the present matter. The October 10, 2016, reference 01, decision has been reversed on appeal to allow benefits based on separation from Securitas that actually occurred in January 2016, provided Mr. Krolick is otherwise eligible. See Appeal Number 16A-UI-11140-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the October 10, 2016, reference 01, disqualification has been reversed to allow benefits to Mr. Krolick based on his January 2016 separation from Securitas, provided he meets all other eligibility requirements, the \$2,099.00 in benefits that Mr. Krolick received for the eight weeks between March 13, 2016 and May 7, 2016 was not an overpayment of benefits.

**DECISION:**

The October 12, 2016, reference 04, decision is reversed. The claimant was not overpaid \$2,099.00 in benefits for the eight weeks between March 13, 2016 and May 7, 2016.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs