

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK B ELLIS
Claimant

APPEAL NO. 14A-UI-09769-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/27/14
Claimant: Appellant (2)**

Iowa Code Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

Patrick Ellis filed a timely appeal from the September 10, 2014, reference 03, decision that he was overpaid \$1989.00 in benefits for the five weeks between July 27, 2014 and August 30, 2014. After due notice was issued, a hearing was held on October 9, 2014. Mr. Ellis participated. The hearing in this matter was consolidated with the hearing in Appeal No. 14A-UI-09768-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$1989.00 in benefits for the five weeks between July 27, 2014 and August 30, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Patrick Ellis established a claim for benefits that was effective July 27, 2014 and received \$1989.00 in benefits for the five weeks between July 27, 2014 and August 30, 2014. On September 9, 2014 an Iowa Workforce Development Claims Deputy entered the reference 02 decision that disqualified Mr. Ellis for benefits based on an Agency conclusion that Mr. Ellis had been discharged on July 29, 2014 from employment with Tyson Fresh Meats, Inc. for misconduct in connection with the employment. The reference 02 decision has been reversed on appeal in Appeal No. 14A-UI-09768-JTT to allow benefits, provided Mr. Ellis is otherwise eligible. The overpayment issue in this matter was prompted by the reference 02 disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.3(7) provides that if a claimant receives benefits and is later deemed ineligible for benefits, the claimant must repay the benefits, and the Agency must recover the benefits, even if the claimant was not at fault in receiving the benefits. Because the September 9, 2014, reference 02, decision has been reversed on appeal to allow benefits provided the claimant is otherwise eligible, the administrative law judge concludes that the claimant was not overpaid \$1989.00 in benefits for the five weeks between July 27, 2014 and August 30, 2014.

DECISION:

The claims deputy's September 10, 2014, reference 03, decision is reversed. The claimant was not overpaid \$1989.00 in benefits for the five weeks between July 27, 2014 and August 30, 2014.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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