

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

SHANE A BUTCHER
Claimant

APPEAL NO. 19A-UI-00307-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/02/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Shane Butcher filed a timely appeal from the January 9, 2019, reference 02 decision that held he was overpaid \$1,724.00 in benefits for the four-week period of December 2-29, 2018, based on an earlier decision that disqualified him for benefits in connection with his separation from employer G.L. Dodge City, L.L.C. A hearing is scheduled for January 30, 2019 and the parties have been properly notified. The hearing in this matter was to be consolidated with the hearing in Appeal Number 19A-UI-00306-JTT. Upon review of the Agency's administrative record, the administrative law judge concludes that a hearing is unnecessary and that a decision favorable to Mr. Butcher may be entered based on the Agency's administrative records alone.

ISSUE:

Whether Mr. Butcher was overpaid \$1,724.00 in benefits for the four-week period of December 2-29, 2018, based on an earlier decision that disqualified him for benefits in connection with his separation from employer G.L. Dodge City, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Shane Butcher established an original claim for benefits that was effective December 2, 2018 and received \$1,724.00 in benefits for the four-week period of December 2-29, 2018. On January 4, 2019, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that held claimant Shane Butcher was disqualified for benefits and the employer account of G.L. Dodge City, L.L.C. would not be charged for benefits, based on the deputy's conclusion that Mr. Butcher voluntarily quit in July 2018 without good cause attributable to the employer. The January 4, 2019, reference 01, disqualification decision prompted the overpayment decision from which Mr. Butcher appeals in the present matter. The January 4, 2019, reference 01, disqualification decision has been modified on appeal to acknowledge Mr. Butcher's requalification for benefits through subsequent employment and to allow benefits to Mr. Butcher in connection with the December 2, 2018 original claim provided he meets all other eligibility requirements. See Appeal Number Appeal Number 19A-UI-00306-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 recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because the January 4, 2019, reference 01, disqualification decision has been modified to allow benefits to Mr. Butcher in connection with the December 2, 2018 original claim provided he meets all other eligibility requirements in light of his requalification for benefits through subsequent employment, the administrative law judge concludes that Mr. Butcher was not overpaid \$1,724.00 in benefits for the four-week period of December 2-29, 2018.

Because a decision favorable to Mr. Butcher may be entered based on the Agency's administrative records, Mr. Butcher is no longer aggrieved by the January 9, 2019, reference 02, overpayment decision. Accordingly, the appeal hearing set for 1:05 p.m. on January 30, 2019 is hereby cancelled.

DECISION:

The January 9, 2019, reference 02, decision is reversed. The claimant was not overpaid \$1,724.00 in benefits for the four-week period of December 2-29, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs