

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEX A LAUENROTH
Claimant

APPEAL 17A-UI-08212-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/28/17
Claimant: Appellant (2)

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Alex A. Lauenroth (claimant) appealed an unemployment insurance decision dated August 1, 2017, reference 04, that concluded he was overpaid \$236.00 in unemployment insurance benefits. A telephone hearing was held on August 14, 2017 for the decision that disqualified the claimant from receiving benefits for the one-week period ending July 1, 2017. The claimant indicated his intent to appeal this decision and waived notice on the issues of timeliness and overpayment. The claimant and his mother, Shelia Lauenroth, participated.

ISSUES:

Is the appeal timely?

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 28, 2017. The claimant filed for and received a total of \$236.00 in unemployment insurance benefits for the one-week period ending July 1, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 17A-UI-07539-SC-T.

The unemployment insurance decision dated August 1, 2017, reference 04, was mailed to the claimant the same day as the hearing notices for the underlying issues. The decision contained a warning that an appeal needed to be postmarked by August 11, 2017. As the claimant received the hearing notices setting hearing for August 14, 2017, he did not think filing an appeal for the overpayment would be necessary.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's appeal is timely and he has not been overpaid unemployment insurance benefits.

Iowa Code section 96.6(2) provides, in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant reasonably believed that the hearings scheduled would address the issue of overpayment as he had timely appealed the underlying issue. The claimant's appeal is timely. The next issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$236.00 in unemployment insurance benefits.

DECISION:

The claimant's appeal is timely. The unemployment insurance decision dated August 1, 2017, reference 04, is reversed. The claimant was not overpaid \$236.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn