

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENT K ARVIDSON
Claimant

APPEAL NO. 17A-UI-06192-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/01/17
Claimant: Appellant (2R)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Brent Arvidson filed a timely appeal from the June 8, 2017, reference 04, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$447.00 for the week that ended May 6, 2017, as a result of an earlier decision that disqualified him for benefits in connection with his separation from Manatt's, Inc. After due notice was issued, a hearing was held on July 3, 2017. Mr. Arvidson participated in the hearing. Exhibit A was received into evidence. The administrative law judge took official notice of the agency's administrative record of benefits paid to Mr. Arvidson (DBRO) and of the administrative law judge decision entered in Appeal Number 17A-UI-05737-LJ-T.

ISSUE:

Whether Mr. Arvidson was overpaid \$447.00 in benefits for the week that ended May 6, 2017 due to an earlier decision that disqualified him for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brent Arvidson established an additional claim for benefits that was effective April 23, 2017. In connection with the additional claim, Mr. Arvidson received \$447.00 in unemployment insurance benefits for the week that ended May 6, 2017. On May 26, 2017, a Workforce Development claims deputy entered a reference 03 decision that disqualified Mr. Arvidson for benefits, based on the claims deputy's conclusion that Mr. Arvidson was discharged from his employment with Manatt's, Inc. on April 28, 2017 for failure to follow instructions in the performance of his job. The May 26, 2017, reference 03, decision prompted the overpayment decision from which Mr. Arvidson appeals in the present matter. The May 26, 2017, reference 03, decision has been reversed by and administrative law judge on appeal in Appeal Number 17A-UI-05737-LJ-T. The administrative law judge concluded that Mr. Arvidson was discharged for no disqualifying reason and was eligible for benefits provided he meets all other eligibility requirements

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 disqualification decision that prompted the overpayment decision has been reversed on appeal to allow benefits to Mr. Arvidson provided he meets all other eligibility requirements, the administrative law judge concludes that Mr. Arvidson was not overpaid \$447.00 in benefits for the week that ended May 6, 2017.

DECISION:

The June 8, 2017, reference 04, decision is reversed. The claimant was not overpaid \$447.00 in unemployment insurance benefits for the week that ended May 6, 2017.

This matter is remanded to the Benefits Bureau for determination of whether the claimant is eligible for retroactive benefits for the period of May 7, 2017 through July 1, 2017.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs