

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

BLANCA I VASCO
Claimant

APPEAL NO. 18A-UI-00824-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/19/17
Claimant: Appellant (2)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Blanca Vasco filed a timely appeal from the January 10, 2018, reference 05, decision that she was "overpaid \$2676.00 for 6 week(s) between 11/19/17 and 11/25/17" due to an earlier decision that disqualified her for benefits in connection with a separation from IMKO Enterprises, Inc. The January 10, 2018, reference 05, decision contained a clerical error regarding the end date for the purported six-week overpayment period. The correct end date was December 30, 2017. After due notice was issued, a hearing was held on February 12, 2018. Ms. Vasco participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-00823-JTT. Department Exhibit D-6 was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO). Spanish-English interpreter Laura Mier of CTS Language Link assisted with the hearing.

ISSUE:

Whether Ms. Vasco's was overpaid \$2,676.00 in unemployment insurance benefits for the six-week period of November 19, 2017 through December 30, 2017.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Blanca Vasco established an original claim for unemployment insurance benefits that was deemed effective November 19, 2017. Iowa Workforce Development set Ms. Vasco's weekly benefit amount at \$446.00. Ms. Vasco received \$2,676.00 in unemployment insurance benefits for the six week between November 19, 2017 and December 30, 2017. On January 8, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that disqualified Ms. Vasco for benefits in connection with a November 16, 2017 separation from employer IMKO Enterprises, Inc. The January 8, 2018, reference 02, disqualification decision prompted the overpayment decision from which Ms. Vasco appeals in the present matter. The January 8, 2018, reference 02, decision has been reversed in Appeal Number 18A-UI-00823-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 disqualification decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that Ms. Vasco was not overpaid \$2,676.00 in unemployment insurance benefits for the six-week period of November 19, 2017 through December 30, 2017.

DECISION:

The January 10, 2018, reference 05, decision is reversed. The claimant was not overpaid \$2,676.00 in unemployment insurance benefits for the six-week period of November 19, 2017 through December 30, 2017.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs