

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DANNY J FYFE
Claimant

APPEAL NO. 18A-UI-10316-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/17/17
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Danny Fyfe filed a timely appeal from the October 12, 2018, reference 04, decision that held he was overpaid \$455.00 in benefits for the week that ended September 8, 2018, based on an earlier decision that disqualified him for benefits in connection with his voluntary quit from Allied Building Products Corporation. After due notice was issued, a hearing was held on October 30, 2018. Mr. Fyfe participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-10315-JTT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant.

ISSUES:

Whether Mr. Fyfe was overpaid \$455.00 in benefits for the week that ended September 8, 2018, based on an earlier decision that disqualified him for benefits in connection with his voluntary quit from Allied Building Products Corporation.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Danny Fyfe established an "additional claim" for benefits that was effective September 2, 2018 and received \$455.00 in benefit for the week of September 2-8, 2018. On October 4, 2018, a Workforce Development Benefits Bureau deputy entered a reference 03 decision that disqualified Mr. Fyfe for benefits, based on the Benefits Bureau deputy's conclusion that Mr. Fyfe voluntarily quit employment with Allied Building Products Corporation on May 7, 2018 without good cause attributable to the employer. The October 4, 2018, reference 03, disqualification decision triggered the overpayment decision from which Mr. Fyfe appeals in the present matter. The disqualification decision has been modified on appeal to allow benefits to Mr. Fife in connection with the separation provided he meets all other eligibility requirements. See Appeal Number 18A-UI-10315-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 disqualification that triggered the overpayment decision has been modified on appeal to allow benefits to Mr. Fyfe provided he meets all other eligibility requirements, the administrative law judge concludes that Mr. Fyfe has not been overpaid

DECISION:

The October 12, 2018, reference 04, decision is reversed. The claimant was not overpaid \$455.00 in benefits for the week that ended September 8, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs