

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JULIUS MONTGOMERY
Claimant

APPEAL NO. 14A-UI-09370-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RYDER INTEGRATED LOGISTICS INC
Employer

OC: 06/15/14
Claimant: Appellant (1)

Section 96.3-7 - Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 28, 2014, reference 03, that concluded he was overpaid \$3,258 in benefits. A telephone hearing was held on October 1, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUES:

Was the claimant overpaid unemployment insurance benefits, and is he required to repay the overpayment?

Is the employer subject to charge for benefits paid?

FINDINGS OF FACT:

After a fact-finding interview on July 3, 2014, in which the claimant and the employer's human resources representative, Jordan Van Ervelde, participated, the claimant was granted benefits.

The claimant filed for and received a total of \$3,258 in unemployment insurance benefits for the weeks between June 15 and August 15, 2014.

The unemployment insurance decision that granted benefits to the claimant was reversed in a decision of the administrative law judge in appeal 14A-UI-07286-LT.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law generally requires benefits be recovered from a claimant who receives benefits and is later denied benefits even if the claimant acted in good faith and was not at fault. But a claimant is not required to repay an overpayment when an initial decision to award benefits on an employment-separation issue is reversed on appeal if two conditions are met: (1) the claimant did not receive the benefits due to fraud or willful misrepresentation, and (2) the employer failed to participate in the initial proceeding that awarded benefits. In addition, if a claimant is not required to repay an overpayment because the employer failed to participate in

the initial proceeding, the employer's account will be charged for the overpaid benefits. Iowa Code § 96.3-7-a, -b.

The claimant received benefits but has been denied benefits as a result of the decision in 14A-UI-07286-LT. The claimant, therefore, was overpaid \$3,258 in benefits.

Because the employer participated in the fact-finding interview, the claimant is required to repay the overpayment and the employer's account will not be charged for benefits.

It is noted that the claimant has appealed 14A-UI-07286-LT to the Employment Appeal Board. If the EAB reverses the judge's decision, the claimant will not be overpaid benefits.

DECISION:

The unemployment insurance decision dated August 28, 2014, reference 03, is affirmed. The claimant was overpaid \$3,258 in unemployment insurance benefits, which must be repaid.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css