

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TIMOTHY A OXLEY**  
Claimant

**APPEAL NO. 19A-UI-02689-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/11/18  
Claimant: Appellant (2)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Timothy Oxley filed an appeal from the March 26, 2019, reference 07, decision that held he was overpaid \$395.00 in benefits for the week that ended February 16, 2019, based on an earlier decision that denied benefits for that week. After due notice was issued, a hearing was held on April 17, 2019. Mr. Oxley participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-02688-JTT. Exhibit A and Department Exhibits D-1 through D-7 were received into evidence.

**ISSUE:**

Whether Mr. Oxley was overpaid \$395.00 in benefits for the week that ended February 16, 2019, based on an earlier decision that denied benefits for that week.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established an original claim for benefits that was effective November 11, 2018 and an additional claim for benefits that was effective January 27, 2019. The claimant made a weekly claim for the week that ended February 16, 2019 and received \$395.00 in benefits for that week.

On March 4, 2019, and Iowa Workforce Development Benefits Bureau deputy entered a reference 03 decision that denied benefits for the week of February 10-16, 2019, based on the deputy's conclusion that the claimant did not meet the able and available requirement during that week. The March 4, 2019, reference 03, decision triggered the overpayment decision from which Mr. Oxley appeals in the present matter. The March 4, 2019, reference 03, decision has been reversed on appeal to allow benefits to the claimant for the week that ended February 16, 2019 provided he meets all other eligibility requirements. See Appeal Number 19A-UI-02688-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 decision that denied benefits for the week that ended February 16, 2019 has been reversed on appeal, the administrative law judge concludes that the claimant was not overpaid \$395.00 in benefits for the week that ended February 16, 2019.

**DECISION:**

The March 26, 2019, reference 07, decision is reversed. The claimant was not overpaid \$395.00 in benefits for the week that ended February 16, 2019.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs