

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

CRYSTAL D MARCOS
Claimant

APPEAL NO. 18A-UI-10032-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/26/18
Claimant: Appellant (1)

Iowa Code § 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Crystal Marcos filed a timely appeal from the September 25, 2018, reference 03, decision that held she was overpaid \$614.00 in unemployment insurance benefits for the two-week period of September 2-15, 2018, based on an earlier decision that disqualified her for benefits in connection with her discharge from employer Dolgencorp, L.L.C. After due notice was issued, a hearing was held on October 19, 2018. Ms. Marcos participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-10031-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether the claimant was overpaid \$614.00 in unemployment insurance benefits for the two-week period of September 2-15, 2018, based on an earlier decision that disqualified her for benefits in connection with her discharge from employer Dolgencorp, L.L.C.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Crystal Marcos established an original claim for unemployment insurance benefits that was effective August 26, 2018 and received \$614.00 in unemployment insurance benefits for the two-week period of September 2-15, 2018. On September 24, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that disqualified Ms. Marcos for benefits, based on the deputy's conclusion that Ms. Marcos was discharged on August 22, 2018 from her employment with Dolgencorp, L.L.C. for dishonesty in connection with the employment. The September 24, 2018, reference 02, disqualification decision triggered the overpayment decision from which Ms. Marcos appeals in the present matter. The disqualification decision has been affirmed in Appeal Number 18A-UI-10031-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 decision that triggered the overpayment decision has been affirmed on appeal, the evidence establishes that Ms. Marcos was indeed overpaid \$614.00 in unemployment insurance benefits for the two-week period of September 2-15, 2018. Ms. Marcos must repay the overpaid benefits.

DECISION:

The September 25, 2018, reference 03, decision is affirmed. The claimant was overpaid \$614.00 in unemployment insurance benefits for the two-week period of September 2-15, 2018. The claimant must repay the overpaid benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs