

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA C ELGAS
Claimant

APPEAL NO. 18A-UI-10465-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/09/18
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Patricia Elgas filed a timely appeal from the October 15, 2018, reference 02, decision that held she was overpaid \$725.00 in benefits for three weeks between September 9 through September 29, 2018, based on an earlier decision that disqualified her for benefits in connection with her discharge from Tucker Staffing, L.L.C. After due notice was issued, a hearing was started on November 2, 2018 and was concluded on November 9, 2018. Ms. Elgas participated. The hearing in this matter was consolidated with the hearing in Appeal Number 18A-UI-10464-JTT. Exhibits 1, 2, 3 and A were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO).

ISSUE:

Whether the claimant was overpaid \$725.00 in benefits for three weeks between September 9 through September 29, 2018.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Patricia Elgas established an original claim for benefits that Iowa Workforce Development deemed effective September 9, 2018. Ms. Elgas received \$725.00 in benefits for three weeks between September 9 through September 29, 2018. On October 8, 2018, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified Ms. Elgas for benefits, based on the deputy's conclusion that Ms. Elgas was discharged on September 12, 2018, for failure to follow instructions in the performance of her job. The disqualification decision prompted the overpayment decision from which Ms. Elgas appeals in the present matter. The disqualification decision has been reversed on appeal to allow benefits to Ms. Elgas, provided she is otherwise eligible. See Appeal Number 18A-UI-10464-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 prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that Ms. Elgas was not overpaid \$725.00 in benefits for three weeks between September 9 through September 29, 2018.

DECISION:

The October 15, 2018, reference 02, decision is reversed. The claimant was not overpaid \$725.00 in benefits for three weeks between September 9 through September 29, 2018.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn