

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARCOS A RODRIGUEZ
Claimant

APPEAL NO: 12A-UI-00076-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/07/10

Claimant: Appellant (2)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Marcos A. Rodriguez (claimant) appealed a representative's December 19, 2011 decision (reference 03) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 1, 2012. This appeal was consolidated for hearing with one related appeal, 12A-UI-00075-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated March 24, 2010 (reference 02) that concluded the claimant was disqualified from receiving benefits after a separation from employment from Spherion Staffing, L.L.C. (employer). The claimant's appeal of that decision has been treated as timely and in the concurrently issued decision in appeal 12A-UI-00075-DT, that decision has been modified to remove the disqualification.

The overpayment decision was issued in this case as a result of the March 24, 2010 (reference 02) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid benefits of \$1,220.00 in his February 7, 2010 benefit year.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the

claimant received benefits for which he subsequently was deemed ineligible in the representative's decision issued on March 24, 2010. The disqualification from that decision has been removed in the concurrently issued decision in 12A-UI-00075-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits.

DECISION:

The representative's December 19, 2011 decision (reference 03) is reversed. The claimant was not overpaid benefits in his 2010 benefit year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs