

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSE M KUDERER**  
Claimant

**APPEAL NO. 15A-UI-04865-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/15**  
**Claimant: Appellant (2)**

Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Rose Kuderer filed a timely appeal from the April 21, 2015, reference 03, decision that she was overpaid \$183.00 in benefits for the week ending April 11, 2015. After due notice was issued, a hearing was held on June 2, 2015. Ms. Kuderer participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-04864-JTT. Exhibit One was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO) and of the Agency's administrative record of the claimant's weekly claims for benefits (KCCO).

**ISSUE:**

Whether the claimant was overpaid \$183.00 in benefits for the week ending April 11, 2015.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Rose Kuderer established a claim for benefits that was effective March 22, 2015. Ms. Kuderer received \$191.00 in benefits for the week ending March 28, 2015. Ms. Kuderer received \$217.00 in benefits for the week that ended April 4, 2015. Ms. Kuderer received \$183.00 in benefits for the week that ended April 11, 2015. On April 17, 2015, a Workforce Development claims deputy entered a reference 02 decision that disqualified Ms. Kuderer for benefits based on an Agency conclusion that Ms. Kuderer had voluntarily quit employment with QPS Employment Group on April 6, 2015 without good cause attributable to that employer. The reference 02 decision prompted the overpayment decision from which Ms. Kuderer appeals in this matter. The reference 02 decision was reversed on appeal to allow benefits to the claimant, provided she is otherwise eligible. See Appeal Number 15A-UI-04864-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, the claimant must repay the benefits and Workforce Development must recover the benefits, even if the claimant was not at fault in receiving the benefits. Because the

reference 02 disqualification decision that prompted the reference 03 overpayment decision has been reversed on appeal, the administrative law judge concludes that Ms. Kuderer was not overpaid \$183.00 in benefits for the week ending April 11, 2015.

**DECISION:**

The April 21, 2015, reference 03, decision is reversed. The claimant was not overpaid \$183.00 in benefits for the week ending April 11, 2015.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/mak