

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANTIAGO R GRANADOS
Claimant

APPEAL NO. 15A-UI-11935-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/01/15
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Santiago Granados filed a timely appeal from the October 27, 2015, reference 03, decision that found he was overpaid \$660.00 for four weeks between September 20, 2015 and October 17, 2015, based on an earlier decision that disqualified him for benefits in connection with a voluntary quit from Con Agra Foods, Inc. After due notice was issued, a hearing was held on November 12, 2015. Mr. Granados participated. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-11934-JTT. The administrative law judge took official notice of the Agency's administrative record of benefits paid to Mr. Granados and record of base period employers.

ISSUE:

Whether Mr. Granados was overpaid \$660.00 for four weeks between September 20, 2015 and October 17, 2015. He was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Santiago Granados established an additional claim for benefits that was effective September 20, 2015 and received \$660.00 for four weeks between September 20, 2015 and October 17, 2015. On October 22, 2015, an Iowa Workforce Development claims deputy entered a reference 02 decision that disqualified Mr. Granados for benefits based on an Agency conclusion that Mr. Granados had voluntarily quit employment with Con Agra Foods, Inc., in May 2015 without good cause attributable to that employer. The October 22, 2015, reference 02, decision failed to take factor the part-time nature of the Con Agra Foods employment or that Con Agra Foods was a base period employer for purposes of the claim year that began for Mr. Granados on March 1, 2015. The October 22, 2015, reference 02, decision was modified on appeal to allow benefits to Mr. Granados, based on his base period wages from Manpower, provided he met all other eligibility requirements.

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, Iowa 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. The October 22, 2015, reference 02, decision has been modified to reflect the part-time nature of the Con Agra Foods employment and the fact that Con Agra Foods was not a base period employer. The October 22, 2015, reference 02, decision has been modified to allow benefits to Mr. Granados based on his base period wage credits, provided he meets all other eligibility requirements. Accordingly, Mr. Granados was eligible for the \$660.00 in benefits that he received for four weeks between September 20, 2015 and October 17, 2015, provided he met all other eligibility requirement, and the benefits did not represent an overpayment of benefits.

DECISION:

The October 27, 2015, reference 03, decision is reversed. The claimant was not overpaid \$660.00 in benefits for four weeks between September 20, 2015 and October 17, 2015, based on the earlier decision that addressed his separation from Con Agra Foods.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs