

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDY NIEHAUS
Claimant

APPEAL 20A-UI-04238-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/10/20
Claimant: Appellant (4)

Iowa Code § 96.5(13) – Disqualification due to outstanding fraud overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the May 15, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on June 16, 2020, at 2:00 p.m. Claimant participated. Iowa Workforce Development (IWD) did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is ineligible for benefits due to an outstanding fraud overpayment balance.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On December 18, 2012, a decision was issued finding claimant was overpaid benefits in the amount of \$1,155.00. Claimant filed an initial claim for unemployment insurance benefits effective May 10, 2020. On May 19, 2020, claimant paid the fraud overpayment balance. As of May 19, 2020, claimant has no fraud overpayment balance.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.5(13) provides:

Overpayment resulting in disqualification. If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest and lien fees, is paid in full.

Claimant paid the fraud overpayment balance on May 19, 2020. Therefore, benefits are allowed effective May 19, 2020, provided claimant is otherwise eligible.

DECISION:

The May 15, 2020 (reference 01) unemployment insurance decision is modified in favor of appellant. Claimant is ineligible for benefits from May 10, 2020 through May 18, 2020 due to an unpaid fraud overpayment balance. Claimant is eligible for benefits effective May 19, 2020, provided claimant meets all other eligibility requirements.



Adrienne C. Williamson
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July 28, 2020
Decision Dated and Mailed

acw/scn