

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THEODORE J CRISWELL
Claimant

APPEAL NO. 13A-UCX-00016-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/30/13
Claimant: Appellant (1)**

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Theodore filed an appeal from the September 17, 2013, reference 03, decision that he was overpaid \$389.00 in benefits for the week ending July 6, 2013. After due notice was issued, a hearing was held on October 22, 2013. Mr. Criswell participated. The hearing in this case was consolidated with the hearing in Appeal Number 13A-UCX-00015-JT. Manpower International was a party to Appeal Number 13A-UCX-00015-JT and LeAnn Gulrud represented Manpower International, Inc. at the hearing. Department Exhibits D-1 through D-5 were received into evidence.

ISSUE:

Whether Mr. Criswell was overpaid \$389.00 in benefits for the week ending July 6, 2013.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Theodore Criswell established a claim for benefits that was effective June 30, 2013, and received \$389.00 in benefits for the week ending July 6, 2013. On August 28, 2013, an Iowa Workforce Development representative entered an August 28, 2013, reference 02, decision that disqualified Theodore Criswell for benefits in connection with Mr. Criswell's May 4, 2013 separation from Manpower International, Inc. Mr. Criswell did not file a timely appeal from the disqualification decision and the disqualification decision became a final agency decision. See Appeal Number 13A-UCX-00015-JT. The disqualification decision has been affirmed on appeal, based on the untimely appeal. See Appeal Number 13A-UCX-00015-JT. The August 28, 2013, reference 02, disqualification decision prompted the overpayment decision at issue in this appeal.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law requires benefits be recovered from a claimant who receives benefits and is later deemed ineligible for the benefits even if the claimant acted in good faith and was not at fault. Iowa Code section 96.3(7). Because Mr. Criswell received benefits for

which he was later deemed ineligible, Mr. Criswell is required to repay the benefits. Mr. Criswell is overpaid \$389.00 for the week ending July 6, 2013.

DECISION:

The agency representative's September 17, 2013, reference 03, decision is affirmed. The claimant was overpaid \$389.00 in benefits for the week ending July 6, 2013. The claimant must repay that amount.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css