

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ROBYNNE B HAYES**  
Claimant

**APPEAL NO. 21A-UI-04016-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5 – Disqualification due to Outstanding Fraud Overpayment  
Iowa Code § 96.16(4) – Offenses and Misrepresentation

**STATEMENT OF THE CASE:**

On January 27, 2021, Robynne Hayes (claimant/appellant) appealed the January 19, 2021 (reference 05) decision that denied benefits based on a finding claimant owes an unpaid fraud overpayment balance.

A telephone hearing was held on April 2, 2021, pursuant to due notice. Claimant participated personally. The Department participated by Investigator Seth Jones.

Department's exhibits 1, 2, 8, 9, and 10 were admitted. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant eligible for unemployment insurance benefits due to an unpaid fraud overpayment balance?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of March 22, 2020. During that claim year, an investigatory audit was conducted regarding the claimant's failure to report all wages while concurrently filing weekly continued claims for benefits. Consequently, a decision was issued on January 19, 2021 which found that the claimant was overpaid benefits in the amount of \$12,262.00, and added a 15% penalty due to fraud. That decision has now been modified to remove the penalty due to misrepresentation. See 21A-UI-04003-AD-T.

A decision was also issued on January 15, 2021 (reference 04) that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) in the amount of \$1,800.00 for a six-week period from July 26 through September 5, 2020 and which imposed a 15 penalty due to misrepresentation. That decision remains in force. See 21A-UI-04006-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the January 19, 2021 (reference 05) decision that denied benefits based on a finding claimant owes an unpaid fraud overpayment balance is AFFIRMED.

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.

The January 15, 2021 (reference 04) that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) in the amount of \$1,800.00 for a six-week period from July 26 through September 5, 2020 and which imposed a 15 penalty due to misrepresentation remains in force. As a result, the claimant is disqualified from benefits until the balance of the benefits received due to misrepresentation is paid in full.

**DECISION:**

The January 19, 2021 (reference 05) decision that denied benefits based on a finding claimant owes an unpaid fraud overpayment balance is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

April 12, 2021  
Decision Dated and Mailed

abd/lj

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.