

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWN S HORSFORD
Claimant

APPEAL NO. 09A-UI-07732-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/18/09
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated May 13, 2009, reference 02, that held he was overpaid benefits, \$1,267.00 for a six-week period ending February 28, 2009, because of the decision he voluntarily quit employment.

A telephone hearing was held on June 12, 2009. The claimant participated.

ISSUE:

Whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: Since the disqualifying decision that created the overpayment has now been reversed (09A-UI-07731-ST), and the claimant is not disqualified from receiving benefits, there is no overpayment in this matter.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant is not overpaid benefits, due to the reversal of the disqualification decision that created the overpayment.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

DECISION:

The decision of the department representative dated May 13, 2009, reference 02, is reversed. The claimant is not overpaid benefits, \$1,267.00.

R. L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

srs/kjw