

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EVERETT TOOTHAKER
Claimant

APPEAL 18R-UI-11132-NM-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/29/18
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 19, 2018, (reference 04), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$776.00 for the two week period ending September 1, 2018. No hearing was held as there was sufficient evidence in the administrative record to resolve the matter without testimony.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$776.00 for the two week period ending September 1, 2018. The claimant was found overpaid benefits due to reference 02 and 03 decisions that denied benefits during the weeks ending August 25, 2018 and September 1, 2018. Those decisions were reversed in Appeal Numbers 18R-UI-11130-NM-T and 18R-UI-11131-NM-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.
 - a. 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.

b. (1) 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 § 96.8, subsection 5. .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$776.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decisions that created the overpayment decision have been reversed.

DECISION:

The September 19, 2018, (reference 04) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$776.00.

Nicole Merrill
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Decision Dated and Mailed

nm/rvs