IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

ANITA ANDERSON
Claimant

APPEAL NO: 07A-UI-05661-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT**

OC: 02/18/07   R: 02
Claimant: Appellant (1)

Section 96.3-7 - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Anita Anderson (claimant) appealed an unemployment insurance decision dated June 1, 2007, reference 02, which held that she was overpaid unemployment insurance benefits in the amount of $4,342.00 as a result of a disqualification decision issued by the Employment Appeal Board on May 22, 2007. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on June 25, 2007. The claimant participated in the hearing with Attorney Robert Wright Jr. Based on the evidence, the arguments of the party and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant was overpaid $4,342.00 in unemployment insurance benefits for the 13-week period ending May 19, 2007.

FINDINGS OF FACT:

The administrative law judge, having heard and considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of $4,342.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The unemployment insurance decision dated June 1, 2007, reference 02, is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of $4,342.00.

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Susan D. Ackerman
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs