

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE L CARBERRY
Claimant

APPEAL NO. 11A-UI-12413-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/13/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Stephanie L. Carberry filed a timely appeal from an unemployment insurance decision dated September 7, 2011, reference 04, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$1,548.00 for the six weeks ending January 23, 2010. After due notice was issued, a telephone hearing was held October 13, 2011, with Ms. Carberry participating. The administrative law judge takes official notice of Agency benefit payment records and decision records.

ISSUE:

Must the claimant repay the benefits she has received?

FINDINGS OF FACT:

Stephanie L. Carberry received unemployment insurance benefits in the gross amount of \$1,548.00 for the six weeks ending January 23, 2010. At the claimant's request, state and federal income taxes were withheld from her payments. A fact-finding decision dated January 29, 2010, disqualified Ms. Carberry for benefits. She filed an appeal from the decision. The decision was affirmed by an administrative law judge decision on March 17, 2010.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who received the benefits is not at fault for the overpayment. The evidence in this record establishes that Ms. Carberry received the benefits in question and that the decision disqualifying her for those benefits remains in effect. Therefore, the benefits must be repaid.

During her testimony, Ms. Carberry questioned why the Agency had originally allowed benefits to be paid to her. The administrative law judge does not know the answer to that question. However, even if they were paid in error, Iowa Code section 96.3-7 requires that they be repaid.

DECISION:

The unemployment insurance decision dated September 7, 2011, reference 04, is affirmed. The claimant has been overpaid \$1,548.00 for the six weeks ending January 23, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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