

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STACY L CRAVEN
Claimant

APPEAL 17A-UI-00123-JP-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/27/16
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 30, 2016, (reference 03), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$316.00 for the one-week period ending December 3, 2016, as a result of a failure to report or incorrectly reporting vacation pay from Interactive Government Holdings. After due notice was issued, a telephone hearing was scheduled and held on January 26, 2017, pursuant to due notice. Claimant participated. Claimant Exhibit A was admitted into evidence with no objection. Official notice was taken of the administrative record of claimant's benefit payment history, with no objection.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the unemployment insurance decision that has been reversed in appeal number 17A-UI-00122-JP-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid 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) (a) 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 claimant has not been overpaid unemployment insurance benefits in the amount of \$316.00 pursuant to Iowa Code § 96.3(7) as the unemployment insurance decision that created the overpayment decision has been reversed in appeal number 17A-UI-00122-JP-T.

DECISION:

The December 30, 2016, (reference 03) unemployment insurance decision is reversed. Claimant has not been overpaid unemployment insurance benefits in the amount of \$316.00.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs