

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAMELA S BLUME**  
Claimant

**APPEAL NO. 11A-UI-07260-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/01/09**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Pamela S. Blume filed a timely appeal from an unemployment insurance decision dated May 27, 2011, reference 04, that ruled she had been overpaid emergency unemployment compensation in the amount of \$784.00 for the two weeks ending April 17, 2010. After due notice was issued, a telephone hearing was held on June 17, 2011, on a consolidated record with appeals 11A-UI-07259-AT, 11A-UI-07780-AT, and 11A-UI-07781-AT. The record was held open through June 24, 2011, for additional evidence from the claimant. The administrative law judge takes official notice of Agency benefit payment records.

**ISSUE:**

Has the claimant been overpaid emergency unemployment compensation for the two weeks ending April 17, 2010?

**FINDINGS OF FACT:**

On or about April 21, 2010, Iowa Workforce Development paid emergency unemployment compensation benefits to Pamela S. Blume for the two weeks ending April 17, 2010. Some of the benefits were paid directly to her while an additional amount was applied for her behalf to offset a prior overpayment of unemployment insurance benefits. In decision 11A-UI-07259-AT, the administrative law judge ruled that Ms. Blume was not eligible for emergency unemployment compensation for these two weeks.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 requires that benefits paid by the Agency in error be repaid, even if the individual who has received the benefits is not at fault for the overpayment. The administrative law judge has no authority to waive an overpayment. See Siervertsen v. Employment Appeal Board, 483 N.W.2d 818 (Iowa 1992). The evidence in this record establishes that Ms. Blume received emergency unemployment compensation for the two weeks ending April 17, 2010, and that she should not have received them. It is clear from the evidence that the overpayment is not the fault of Ms. Blume.

**DECISION:**

The unemployment insurance decision dated May 27, 2011, reference 04, is affirmed. The claimant has been overpaid \$784.00 for the two weeks ending April 17, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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