	68-0157 (9-06) - 3091078 - EI
KANYERE MUSHEGERA Claimant	**APPEAL NO. 13A-UI-09322-LT** **ADMINISTRATIVE LAW JUDGE DECISION**
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	
	OC: 05/12/13 **Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed the August 13, 2013, (reference 06) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $512.00 for the two-week period ending July 20, 2013, as a result of a disqualification decision. A telephone hearing was scheduled and held on September 18, 2013, pursuant to due notice. The claimant participated through interpreter, Julius Njoroge.

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 disqualification decision that has now been reversed.

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) 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 not been overpaid unemployment insurance benefits in the amount of $512.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has now been reversed.

DECISION:

The August 13, 2013, (reference 06) decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of $512.00.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/css