

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN C LUBBEN
Claimant

APPEAL NO. 06A-UI-11771-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/12/06 R: 03
Claimant: Appellant (4)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Brian C. Lubben filed a timely appeal from an unemployment insurance decision dated December 5, 2006, reference 02, which ruled that he had been overpaid \$720.00 for the two weeks ending November 25, 2006. After due notice was issued, a telephone hearing was held December 18, 2006, with Mr. Lubben participating. This matter is considered on a consolidated record with 06A-UI-11770-AT.

ISSUE:

Has the claimant been overpaid for the two weeks ending November 25, 2006 for incorrectly reporting severance pay?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Brian C. Lubben received unemployment insurance benefits in the gross amount of \$720.00 for the two weeks ending November 25, 2006. In the companion decision, this administrative law judge has ruled that Mr. Lubben was entitled to receive \$69.00 in unemployment insurance benefits for each of the two weeks. The difference between these two numbers is \$429.00

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Lubben must repay all or a portion of the unemployment insurance benefits he received for the two weeks ending November 25, 2006.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who has received the benefits has acted in good faith. The evidence in this record persuades the Administrative Law Judge that Mr. Lubben received \$429.00 in unemployment insurance benefits to which he was not entitled. They must be recovered in accordance with the provisions of the statute.

DECISION:

The unemployment insurance decision dated December 5, 2006, reference 02, is modified. The claimant has been overpaid by \$429.00 for the two weeks ending November 25, 2006.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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