

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MEHO JUSIC**  
Claimant

**APPEAL NO: 19A-UI-01370-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/09/18  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 13, 2019, (reference 02) unemployment insurance decision that concluded he was overpaid \$1,868.00 in unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was held on March 4, 2019. The claimant participated personally and through a Bosnian interpreter, Jasmina, from CTS Language Link. The administrative law judge took official notice of the administrative records including the fact-finding documents, benefits paid and 19A-UI-00848-AW-T. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 9, 2018. The claimant filed for and received a total of \$1,868.00 in unemployment insurance benefits for the weeks between December 30, 2018 and January 26, 2019.

An initial decision dated January 30, 2019 (reference 01) denied benefits to the claimant based upon his separation with his former employer, MJM Holdings Inc. The claimant had a hearing on February 13, 2019 and the initial decision was modified, allowing benefits for the period of December 9, 2018 through January 5, 2019 only. Benefits were denied. (See 19A-UI-00848-AW-T). At the date and time of the hearing, there was no record of an appeal by the claimant to the Employment Appeal Board.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 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.

At this time, the decision disqualifying the claimant from benefits and establishing the \$1,868.00 overpayment, remains in effect. Accordingly, the claimant was overpaid \$1,868.00 in unemployment insurance benefits.

If the claimant does appeal hearing decision 19A-UI-00848-AW-T to the Employment Appeal Board and the decision is reversed or modified in favor of Mr. Jusic, this overpayment would also be reversed or modified to be consistent.

**DECISION:**

The unemployment insurance decision dated February 13, 2019, reference 02, is affirmed. The claimant was overpaid benefits in the amount of \$1,868.00, which are subject to recovery.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn