

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**HOLLY L DIXON**  
Claimant

**APPEAL 18A-UI-08945-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/01/18**  
**Claimant: Appellant (5R)**

---

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

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 21, 2018, reference 06, that concluded she was overpaid \$66.00 in unemployment insurance benefits for the three week period beginning July 22, 2018 and ending August 11, 2018. This decision was the result of a decision finding claimant was disqualified from receiving benefits from her part-time employer, Red Oak Diesel Clinic Inc. A telephone hearing was held on September 13, 2018. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed for and received a total of \$66.00 in unemployment insurance benefits for the three weeks between July 22, 2018 and August 11, 2018. The overpayment was the result of a reduction in claimant's maximum and weekly benefits amount following a recalculation of her a decision issued disqualifying claimant from receiving benefits from her part-time employer, Red Oak Diesel Clinic Inc. (Account Number 098748-000) during the time period in question, as she as still employed at the same hours and wages contemplated upon hire. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits from the above mentioned part-time employer has been affirmed in a decision of the administrative law judge in appeal 18A-UI-08944-NM-T. That decision included an instruction that the issue of claimant's eligibility for benefits under the Trade Act for the week ending July 28, 2018 be remanded to the Trade Department of Iowa Workforce Development for further investigation and determination.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge cannot draw a conclusion on whether claimant was overpaid benefits until a determination is made about claimant's eligibility for benefits under the Trade Act for the week ending July 28, 2018.

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.

The decision disqualifying the claimant from receiving benefits from her part-time employer, Red Oak Diesel Clinic Inc. (account number 098748-000) for the three weeks ending August 11, 2018 has been affirmed. The issue of whether claimant is eligible for benefits under the Trade Act for the week ending July 28, 2018 has been remanded to the Trade Department for further investigation and determination in appeal number 18A-UI-08944-NM-T. Accordingly, the issue of overpayment is reserved pending a determination by the Trade Department for benefits during the week ending July 28, 2018.

**DECISION:**

The unemployment insurance decision dated August 21, 2018, reference 06, is modified with no change in effect. The issue of overpayment is reserved until such time as the issue remanded the Trade Department of Iowa Workforce Development is resolved.

---

Nicole Merrill  
Administrative Law Judge

---

Decision Dated and Mailed

nm/rvs