

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GARY L LOHR
Claimant

APPEAL NO. 07A-UI-05783-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/22/07 R: 01
Claimant: Appellant (2)

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Gary Lohr filed a timely appeal from the May 24, 2007, reference 03, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$941.00 as a result of a disqualification decision. After due notice was issued, a hearing was commenced on July 12, 2007 and concluded on July 20, 2007. Mr. Lohr participated. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing in appeal number 07A-UI-05782-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant was overpaid benefits of \$941.00 for the three-week period that ended May 12, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Gary Lohr established a claim for benefits that was effective April 22, 2007 and received benefits of \$941.00 during the three-week period that ended May 12, 2007. The overpayment issue in this case was created by a disqualification decision that has now been reversed. See appeal number 07A-UI-05782-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

Because the disqualification decision that prompted the overpayment decision has been reversed, the administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$941.00.

DECISION:

The May 24, 2007, reference 03, overpayment decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$941.00.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs