

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CRAIG E GRAHAM
Claimant

APPEAL 14A-UI-02140-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/05/14
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 25, 2014, (reference 03), unemployment insurance decision that found the claimant overpaid benefits of \$804.00 for the two weeks ending February 8 and February 15, 2014, based upon exhaustion of TRA benefits. After due notice was issued, a telephone conference hearing was held on March 19, 2014, and completed on March 27, 2014. Claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant exhausted his entitlement to 78 weeks of TRA benefits the week ending January 25, 2014. A Workforce advisor erroneously told him he was entitled to additional weeks. The benefit week counter on the IWD computer system was not functioning properly the week ending February 1, 2014, and \$402.00 in gross benefits was paid to claimant in error. A different Workforce advisor discovered the system error. It was reported as having been fixed but was not such that an additional two weeks of TRA benefits were erroneously paid to claimant for the weeks ending February 8 and February 15, 2014. Half of each of benefit week payment, \$201.00, was used to offset the \$402.00 overpayment for the week ending February 1, 2014. This left a net overpayment of \$804.00. The claimant bears no fault or responsibility for the erroneous payments precipitated by three instances of agency error.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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 \$804.00 pursuant to Iowa Code § 96.3(7) as the overpayment occurred because of multiple agency errors and will be removed via a waiver special adjustment.

DECISION:

The February 25, 2014, (reference 03) decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$804.00.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css