

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RUSSELL W KOHMAN**  
Claimant

**APPEAL 20A-UI-01129-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/24/19  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On February 7, 2020, the claimant appealed the February 4, 2020, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$152.00 for the one-week period ending November 30, 2019, as a result of a decision deducting income from claimant's benefits that week. A telephone hearing was scheduled and held on February 24, 2020, pursuant to due notice. The 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: Claimant received unemployment insurance benefits in the amount of \$385.00 for the one week ending November 30, 2019. On February 3, 2020, Iowa Workforce Development issued a reference 04 decision deducting \$152.00 from claimant's unemployment insurance benefits during the one week ending November 30, 2019. That decision was modified in favor of claimant in Appeal Number 20A-UI-01128-CL-T, in which the administrative law judge found \$151.00 should have been deducted from claimant's unemployment insurance benefits for that week.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid unemployment insurance 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$151.00 pursuant to Iowa Code § 96.3(7) as claimant had income that should have been reported and deducted from his benefits that week.

**DECISION:**

The February 4, 2020, (reference 05) unemployment insurance decision is modified in favor of claimant. The claimant has been overpaid unemployment insurance benefits in the amount of \$151.00. The extra \$1.00 that has been repaid by claimant by offset should be refunded to claimant.



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Christine A. Louis  
Administrative Law Judge  
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February 28, 2020  
Decision Dated and Mailed

cal/scn