

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DORIS A ROSS
Claimant

APPEAL 17A-UI-11306-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/27/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the November 2, 2017, (reference 02) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,516.00 for the nine-week period ending October 28, 2017, as a result of an ineligibility decision. A telephone hearing was scheduled and held on November 22, 2017, 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: On October 30, 2017, an administrative law judge issued a decision finding claimant ineligible for unemployment insurance benefits effective August 27, 2017. See 17A-UI-10177-DL-T. On November 3, 2017, claimant filed an appeal with the Employment Appeal Board (EAB). At the time of the hearing, the EAB had not issued a decision. The administrative record reflects that claimant has received unemployment benefits in the amount of \$2,516.00, since filing a claim with an effective date of August 27, 2017, for nine weeks until the week ending October 28, 2017.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has 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 § 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$2,516.00 pursuant to Iowa Code § 96.3(7) as the administrative law judge decision finding claimant ineligible for benefits has not been reversed.

DECISION:

The November 2, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,516.00.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn