

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JORDAN F DONNELLY
Claimant

APPEAL NO. 17A-UI-02069-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/06/16
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed the February 14, 2017 (reference 08), decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$658.00 for the two-week period ending December 3, 2016, as a result of two disqualification decisions. A telephone hearing was held on March 16, 2017, pursuant to due notice. The claimant participated. Claimant's Exhibit A was received and admitted into the record. The administrative law judge took official notice of the administrative record, including the record of all payments received by claimant and claimant's weekly continued claims.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by two disqualification decisions that have now been affirmed. (See, 17A-UI-02067-LJ-T and 17A-UI-02068-LJ-T) Claimant did receive benefits in the gross amount of \$658.00 for the two-week period ending December 3, 2016.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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) (a) 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 understands the claimant's confusion, due to the amount of decisions she received from Iowa Workforce Development. However, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$658.00 pursuant to Iowa Code § 96.3(7) as the disqualification decisions that created the overpayment decision have been affirmed.

DECISION:

The February 14, 2017 (reference 08) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$658.00 to which she was not entitled and those benefits must be recovered in accordance with Iowa law.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed