

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TOMMY E GODWIN
Claimant

APPEAL NO. 12A-EUCU-00032-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/26/10
Claimant: Appellant (1-R)**

Section 96.3-7 – Recovery of Overpayments
871 IAC 24.50(7) – Waiver of Overpayments

STATEMENT OF THE CASE:

Tommy E. Godwin filed a timely appeal from an unemployment insurance decision dated January 17, 2012, reference 02, that ruled he had been overpaid \$9,776.00 in emergency unemployment compensation benefits for the 26 weeks ending December 24, 2011. After due notice was issued, a telephone hearing was held February 21, 2012, on a consolidated record with 12A-EUCU-00031-AT.

ISSUES:

Has the claimant been overpaid?

Should the overpayment be remanded for consideration of a waiver?

FINDINGS OF FACT:

Tommy E. Godwin received emergency unemployment compensation totaling \$9,776.00 for the 26 weeks ending December 24, 2011. The fact-finding decision holding him ineligible for these benefits has been affirmed in the companion decision.

Mr. Godwin is now in school studying for a CDL. His only source of income at the moment is unemployment insurance benefits.

In conversations with Iowa Workforce Development in 2011, Mr. Godwin was unaware that he had potential wage credits in the State of Washington that could be used for establishing a claim in that state. Iowa Workforce Development did not discover his eligibility until January 2012. It is requested that the State of Washington reimburse it for benefits paid by Iowa that should have been paid through the State of Washington. Repaying the full amount of the overpayment at this time would create a financial burden for Mr. Godwin.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether Mr. Godwin has been overpaid. He has.

The evidence in the record establishes that Mr. Godwin received benefits during the second half of 2011 through the State of Iowa while he should have been receiving state unemployment insurance benefits through the State of Washington. Iowa paid benefits in error.

A waiver of overpayments of emergency unemployment compensation may be granted under some circumstances. See 871 IAC 24.50(7). The question of whether a waiver should be granted in this case is remanded to the Unemployment Insurance Services Division. The Division shall consider the fact that Mr. Godwin is not at fault for the overpayment, that repayment of benefits at this time would be financially burdensome, and that the Agency has requested reimbursement from the State of Washington.

DECISION:

The unemployment insurance decision dated January 17, 2012, reference 02, is affirmed and remanded. The claimant has been overpaid benefits by the State of Iowa. The Agency shall consider whether a waiver of all or a portion of the overpayment should be granted.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw