

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ADIDJA NDAKARUTIMANA
Claimant

APPEAL 17A-UI-03562-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/27/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 28, 2017, (reference 06), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$2045.00 for a five-week period between December 27, 2015, and December 24, 2016. After due notice was issued, a telephone conference hearing was scheduled to be held on April 27, 2017. Claimant participated.

ISSUES:

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 an ineligibility decision that was affirmed by the Employment Appeal Board on April 20, 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 \$2045.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision was affirmed by the Employment Appeal Board on April 20, 2017.

DECISION:

The March 28, 2017, (reference 06) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2045.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/rvs