

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE G RIVERA
Claimant

APPEAL 15A-UI-12252-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/03/15
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed the October 30, 2015, (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,884.00 as a result of a disqualification decision. The parties were properly notified about the hearing. A telephone hearing was held on November 25, 2015. The claimant and Union Steward Gavier Espinosa participated on his behalf and was assisted by Interpreter Jonathan (employee number 9459) from CTS Language Link. The employer participated through Human Resources Specialist Jessica Dobbe.

ISSUE:

Has the claimant been overpaid unemployment insurance 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 a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.7 provides, in pertinent part:

7. Recover 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 concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$1,884.00 pursuant to Iowa Code § 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The October 30, 2015 (reference 02) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,884.00 and is obligated to repay the agency those benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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