

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERMA R STRATTON
Claimant

APPEAL NO. 08A-UI-05970-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/20/08 R: 02
Claimant: Appellant (5)**

Iowa Code section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Erma Stratton filed a timely appeal from the June 26, 2008, reference 03, decision that concluded she had been overpaid unemployment insurance benefits in the amount of \$816.00 as a result of a disqualification decision. After due notice was issued, a hearing was held on July 16, 2008. Ms. Stratton participated in the hearing. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing in Appeal Number 08A-UI-05969-JTT, and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant was overpaid benefits totaling \$816.00 for the four-week period between May 25, 2008 and June 21, 2008.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Erma Stratton established a claim for unemployment insurance benefits that was effective April 20, 2008. Ms. Stratton received \$204.00 per week in benefits for each week between April 20, 2008 and June 21, 2008. This included benefits totaling \$816.00 for the four-week period between May 25, 2008 and June 21, 2008. Ms. Stratton did not meet the availability requirements of Iowa Code section 96.4(3) during this four-week period. See Appeal Number 08A-UI-05969-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

Because Ms. Stratton received benefits for which she was not eligible, the administrative law judge concludes she has in fact been overpaid unemployment insurance benefits. Ms. Stratton is overpaid \$816.00 for the four-week period between May 25, 2008 and June 21, 2008.

DECISION:

The June 26, 2008, reference 03, decision is modified as follows: The claimant is overpaid \$816.00 for the four-week period between May 25, 2008 and June 21, 2008, because she was not available for work during that time.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw