

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**HOLLY LETO**  
Claimant

**APPEAL 20A-UI-01544-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/29/19**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On February 21, 2020, the claimant appealed the February 20, 2020, (reference 07) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$528.00 for the two-week period ending January 11, 2020, as a result of a decision disqualifying claimant from receiving benefits. A telephone hearing was scheduled and held on February 21, 2020, after claimant waived notice. The claimant participated.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$528.00 for the two weeks ending January 11, 2020. On February 4, 2020, Iowa Workforce Development issued a reference 01 decision finding claimant ineligible for benefits effective December 29, 2019. That decision was affirmed in Appeal Number 20A-UI-01107-CL-T.

**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 \$528.00 pursuant to Iowa Code § 96.3(7) as claimant was not eligible for benefits during the two weeks ending January 11, 2020.

**DECISION:**

The February 20, 2020, (reference 07) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$528.00.



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Christine A. Louis  
Administrative Law Judge  
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February 26, 2020  
Decision Dated and Mailed

cal/scn