

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**HOLLY A CASHEN**  
Claimant

**APPEAL 17A-UI-09366-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/06/17  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 6, 2017, (reference 03), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$980.00 for the two weeks ending August 26, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on October 6, 2017. Claimant participated.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the gross amount of \$980.00 for the two weeks ending August 26, 2017. On September 5, 2017, a reference 02 decision was issued disqualifying claimant from receiving unemployment insurance benefits. Therefore, the present decision finding claimant overpaid benefits in the amount of \$980.00 was issued. The reference 02 decision disqualifying claimant from receiving benefits has been affirmed in appeal number 17A-UI-09365-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 \$980.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The September 6, 2017, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$980.00.

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

cal/scn