

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL S COLEBANK
Claimant

APPEAL 19A-UI-03927-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/03/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On May 13, 2019, Michael S. Colebank (claimant) filed an appeal from the May 7, 2019, reference 05, unemployment insurance decision that determined he was overpaid \$1,182.00 in unemployment insurance benefits. After due notice was issued, a telephone hearing was held on May 29, 2019 and consolidated with the hearing for appeal 19A-UI-03709-SC-T. The claimant participated personally. Americana Companies, Inc. (employer) did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 3, 2018 and reactivated the claim effective January 20, 2019. The claimant filed for and received a total of \$1,182.00 in unemployment insurance benefits for the three weeks between March 31, 2019 and April 20, 2019.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits based on his April 2, 2019 separation from the employer has been affirmed in a decision of the administrative law judge in appeal 19A-UI-03709-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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.

Since the decision disqualifying the claimant effective March 31, 2019 has been affirmed, the claimant was overpaid \$1,182.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated May 7, 2019, reference 05, is affirmed. The claimant was overpaid \$1,182.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn