

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAWRENCE E TAYLOR
Claimant

APPEAL 18A-UI-10786-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/06/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed the October 23, 2018 (reference 08) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,110.00 for the 22-week period ending October 13, 2018. A telephone hearing was scheduled and held on November 15, 2018, pursuant to due notice. The claimant participated personally and through witness Cleaster Malone.

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 gross amount of \$3,110.00 for the 22 weeks ending October 13, 2018. Iowa Workforce Development later found claimant was not eligible for benefits during those weeks in a reference 06 decision. Claimant appealed that decision and it was reversed in Appeal Number 18A-UI-10785-CL-T. Claimant is eligible to receive benefits effective May 6, 2018.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not 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 received unemployment insurance benefits in the amount of \$3,110.00 for the 22 weeks ending October 13, 2018. Claimant was eligible for benefits during the 22 weeks ending October 13, 2018. Therefore, claimant was not overpaid the benefits pursuant to Iowa Code § 96.3(7).

DECISION:

The October 23, 2018, (reference 08) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$3,110.00.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn