

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD A RUNGE
Claimant

APPEAL NO: 11A-UI-09518-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/30/10

Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits
Public Law 110-252 § 4005(c) – Recovery of Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Richard A. Runge (claimant) appealed a representative's June 28, 2011 decision (reference 02) that concluded he had been overpaid emergency unemployment compensation (EUC) benefits. This appeal was consolidated for hearing with one related appeal, 11A-UI-09517-DT. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 11, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant overpaid emergency unemployment compensation (EUC) benefits in the amount of \$804.00 for the two weeks ending May 28, 2011?

FINDINGS OF FACT:

The claimant established an initial unemployment insurance benefit year effective May 30, 2010. He received regular unemployment insurance benefits under that claim year until those benefits were exhausted the week ending May 7, 2011. His claim was then reopened as an additional claim for EUC benefits effective May 8, 2011, and he began receiving benefits under that program. Agency records indicate that two EUC payments of \$402.00 were paid to the claimant on May 23 and May 31, 2011. The claimant then established a second regular claim year effective May 29, 2011.

A representative issued a decision dated June 27, 2011 (reference 01) that concluded the claimant was disqualified from receiving EUCU benefits for the period after May 8, 2011, as he was monetarily eligible to receive regular unemployment insurance benefits as of that date in another jurisdiction. The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 11A-UI-09517-DT, that disqualification decision has now been affirmed.

The claimant received EUC benefits for the two weeks ending May 21 and May 28, in the amount of \$804.00. That amount has already been recovered through offset against regular benefits in the second Iowa claim year for the two weeks ending June 18 and June 25, 2011; since June 28, the claimant's account shows that his overpayment balance is zero.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7; P.L. 110-252 § 4005(c). In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. Even though it may have been an Agency error that led to the overpayment, this does not serve to prevent the Agency from recovery of that overpayment. Sievertsen v. Employment Appeal Board, 483 N.W.2d 818 (Iowa 1992). The administrative law judge concludes that the claimant was overpaid benefits of \$804.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's June 28, 2011 decision (reference 02) is affirmed. The claimant was overpaid EUC benefits of \$804.00 for the two-week period ending May 28, 2011. That amount has subsequently been recovered through offset, and the claimant's current overpayment balance is zero.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw