

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GENA M LOFT**  
Claimant

**APPEAL NO: 18A-UI-09779-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/27/18**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 24, 2018, (reference 03) that concluded she was overpaid \$362.00 in unemployment insurance benefits. A telephone hearing was held on October 15, 2018. The hearing was held jointly with Appeal 18A-UI-09778-JC-T. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Claimant Exhibit A was admitted. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 27, 2018. The claimant filed for and received a total of \$362.00 in unemployment insurance benefits for the week ending August 25, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified, allowing the claimant benefits, in a decision of the administrative law judge in appeal 18A-UI-09778-JC-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 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 has been modified in favor of the claimant, and she is allowed benefits, she has not been overpaid benefits.

**DECISION:**

The unemployment insurance decision dated September 24, 2018, (reference 03), is reversed. The claimant has not been overpaid benefits.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn