

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL W SPOERL**  
Claimant

**APPEAL NO. 08A-UI-02512-JT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/03/08 R: 04**  
**Claimant: Appellant (2)**

Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Michael Spoerl filed a timely appeal from the March 14, 2008, reference 03, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$347.00 for the week that ended February 9, 2008. After due notice was issued, an in-person hearing was held on July 22, 2008 at the Dubuque Workforce Development Center. Mr. Spoerl participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Numbers 08A-UI-02510-JT, 08A-UI-02511-JT, and 08A-UI-02513-JT. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The administrative law judge hereby takes official notice of the decision entered in 08A-UI-02511-JT.

**ISSUE:**

Whether Mr. Spoerl has been overpaid unemployment insurance benefits in the amount of \$347.00 for the week that ended February 9, 2008.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a disqualification decision that has now been reversed. See Appeal Number 08A-UI-02511-JT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 section 96.8, subsection 5.

Because the decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$347.00 for the benefit week that ended February 9, 2008.

**DECISION:**

The March 14, 2008, reference 03, decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$347.00 for the benefit week that ended February 9, 2008.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs