

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GARRETT M CHASE**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 17A-UI-02004-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/11/16**  
**Claimant: Appellant (3)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 14, 2017, (reference 05), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$447.00 for the one-week period ending December 31, 2016, as a result of a failure to report or incorrectly reported severance pay from OMG MIDWEST INC. After due notice was issued, a telephone hearing was scheduled and held on March 15, 2017, pursuant to due notice. Claimant participated. Official notice was taken of the administrative record of claimant's fact-finding documents and benefit payment history, with no objection.

**ISSUE:**

Is the claimant overpaid benefits?

**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 an unemployment insurance decision that has been modified in favor of the respondent in appeal number 17A-UI-02003-JP-T. Claimant received benefits in the gross amount of \$447.00 for the week ending December 31, 2016. Claimant received benefits in the gross amount of \$447.00 for the week ending January 7, 2017. Claimant received benefits in the gross amount of \$447.00 for the week ending January 14, 2017. In appeal number 17A-UI-02003-JP-T, it was found that \$845.00 should be deducted as severance pay for the week ending December 31, 2016. In appeal number 17A-UI-02003-JP-T, it was found that \$63.00 should be deducted as severance pay for the week ending January 7, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has 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) (a) 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.

The administrative law judge concludes that claimant has been overpaid unemployment insurance benefits in the amount of \$447.00 for the week ending December 31, 2016 and \$63.00 for the week ending January 7, 2017 pursuant to Iowa Code § 96.3(7) as the unemployment insurance decision that created the overpayment decision has been modified in favor of the respondent in appeal number 17A-UI-02003-JP-T.

**DECISION:**

The February 14, 2017, (reference 05) unemployment insurance decision is modified. Claimant has been overpaid unemployment insurance benefits in the gross amount of \$510.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs