# IOWA WORKFORCE DEVELOPMENT
## UNEMPLOYMENT INSURANCE APPEALS

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

**GREGORY D BJUSTROM**
Claimant

**IOWA WORKFORCE DEVELOPMENT DEPARTMENT**

**APPEAL NO: 17A-UI-09390-TN-T**

**ADMINISTRATIVE LAW JUDGE DECISION**

**OC: 08/13/17**
**Claimant: Appellant (2)**

Iowa Code § 96.3 (7) – Recovery of Over-Payment

## STATEMENT OF THE CASE:

The claimant, filed a timely appeal from a representative's decision dated September 12, 2017, reference 02, which included claimant was over-paid unemployment insurance benefits in the amount of $1,065.00 as a result of a disqualification decision. After due notice was provided, a hearing was held in Council Bluffs, Iowa on October 13, 2017. Claimant participated.

## ISSUE:

Whether Gregory D Bjustrom was over-paid job insurance benefits.

## FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The overpaid issue in this case was created by a disqualification decision that has now been reversed. (See Appeal # 17-A-UI-09389 TN.)

## REASONING AND CONCLUSIONS OF LAW:

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 the claimant has not been over-paid unemployment insurance benefits in the amount of $1,065.00 pursuant to Iowa Code Section 96.3(7) as the disqualification decision creating the overpayment decision has now been reversed.

**DECISION:**

The representative's decision dated September 12, 2017, reference 02, is reversed. The claimant is not over-paid unemployment insurance benefits in the amount of $1,065.00.


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Terry P. Nice
Administrative Law Judge


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Decision Dated and Mailed


tn/scn