

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**LANCE SCHRODT**  
Claimant

**APPEAL 19A-UI-06814-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/16/19**  
**Claimant: Appellant (4)**

---

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

**STATEMENT OF THE CASE:**

On August 26, 2019, the claimant appealed the August 21, 2019, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1374.00 for the three-week period ending July 13, 2019, as a result of a decision finding him ineligible for benefits. A telephone hearing was scheduled and held on September 20, 2019, pursuant to due notice. The claimant participated personally and through his wife, Kimberly Schrodt.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the gross amount of \$1374.00 for the three weeks ending July 13, 2019. On August 21, 2019, Iowa Workforce Development issued a decision finding claimant ineligible for benefits during those weeks. Claimant appealed that decision. The decision was modified in favor of appellant in Appeal Number 19A-UI-06812-CL-T. The administrative law judge found claimant was not eligible for benefits during the weeks ending July 6, 2019, but was eligible for partial benefits in the amount of \$426.00 during the one week ending July 13, 2019.

**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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant was overpaid unemployment insurance benefits in the amount of \$948.00 pursuant to Iowa Code § 96.3(7) due to receipt of vacation and severance pay. This is true regardless of whether claimant received the benefits in good faith.

Claimant was not overpaid in the amount of \$426.00 for the week ending July 13, 2019, as he was eligible for a partial benefit payment that week.

**DECISION:**

The August 21, 2019, (reference 05) unemployment insurance decision is modified in favor of appellant. The claimant has been overpaid unemployment insurance benefits in the amount of \$948.00 for the three weeks ending July 13, 2019. Claimant was not overpaid in the amount of \$426.00 during the one week ending July 13, 2019. The amount of \$426.00 that was offset from claimant's benefits for that week should be refunded to him.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/rvs