

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NATHAN A ROSE Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 08A-UI-09068-DT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 07/06/08 R: 04 Claimant: Appellant (1)</div>
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Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Nathan A. Rose (claimant) appealed a representative's October 3, 2008 decision (reference 03) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 22, 2008. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 08A-UI-09067-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$226.00.

FINDINGS OF FACT:

A representative issued a decision dated October 1, 2008 (reference 02) that concluded the claimant was disqualified from receiving benefits after August 24, 2008 due to not being able and available for work. The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 08A-UI-09067-DT, that disqualification decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective July 6, 2008. The claimant has received unemployment insurance benefits for weeks beginning August 24 in the amount of \$226.00.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7.

The decision causing the disqualification has now been affirmed. The administrative law judge concludes that the claimant is overpaid benefits of \$226.00 pursuant to Iowa Code § 96.3-7 due to the disqualification decision issued on October 1, 2008 which has now been affirmed. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's October 3, 2008 decision (reference 03) is affirmed. The claimant is overpaid benefits of \$226.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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