

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN E GROEHN
Claimant

APPEAL NO. 12A-UI-01712-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/13/08
Claimant: Appellant (5)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Brian E. Groehn filed a timely appeal from an unemployment insurance decision dated February 13, 2012, reference 02, that ruled he had been overpaid emergency unemployment compensation benefits in the amount of \$3,411.12 for the ten weeks ending February 4, 2012. After due notice was issued, a telephone hearing was held March 8, 2012, on a consolidated record with 12A-UI-01711-AT.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Brian E. Groehn received emergency unemployment compensation benefits totaling \$3,411.12 for the ten weeks ending February 4, 2012. The fact-finding decision holding him ineligible for those benefits has been affirmed by the administrative law judge decision in the companion case. Mr. Groehn exhausted the state benefits during the week ending February 4, 2012. Those benefits were used to reduce the overpayment of emergency unemployment compensation benefits. After the state benefits were exhausted, Mr. Groehn was then returned to emergency unemployment compensation based on his previous benefit year. Half his weekly benefit amount is being paid to him while the other half is being used to offset the prior overpayment. As of the date of this hearing, the remaining balance of the overpayment stood at \$972.62. Mr. Groehn continues to file weekly claims for benefits while awaiting placement from his union hiring hall.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid in error by the Agency be repaid, even if the individual who had received the benefits is not at fault for the overpayment.

The evidence in this record persuades the administrative law judge that Mr. Groehn received more than he should have received from the Agency during the ten weeks ending February 4,

2012. The total overpayment was \$3,411.12. As described above, the remainder of the overpayment is being recovered.

DECISION:

The unemployment insurance decision dated February 13, 2012, reference 02, is modified. The claimant was initially overpaid in the amount of \$3,411.12. The remaining balance stands at \$972.62.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw