

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG W BOTSFORD
Claimant

APPEAL NO. 08A-UI-02322-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/03/08 R: 04
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Craig W. Botsford filed a timely appeal from an unemployment insurance decision dated March 3, 2008, reference 03, that ruled he had been overpaid by \$746.00 for the two weeks ending February 16, 2008. Due notice was issued for a telephone hearing to be held March 24, 2008. Mr. Botsford did not provide a telephone number at which he could be contacted. The administrative law judge takes official notice of agency benefit payment records and decision records.

ISSUE:

Has the claimant been overpaid for the two weeks ending February 16, 2008?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Craig W. Botsford received unemployment insurance benefits in the gross amount of \$746.00 for the two weeks ending February 16, 2008. In decision 08A-UI-02321-AT, this administrative law judge has affirmed the fact-finding decision that held that Mr. Botsford was ineligible for benefits for the two weeks in question. Benefits have been withheld for the two weeks ending March 15, 2008, to offset the benefits paid to Mr. Botsford erroneously.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Botsford must repay the unemployment insurance benefits he received for the two weeks ending February 16, 2008. The administrative law judge concludes from the evidence in the record that Mr. Botsford was overpaid for the two weeks in question and that the overpayment has been recovered.

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the agency, even if the individual who has received the benefits is not at fault for the overpayment. The evidence persuades the administrative law judge that Mr. Botsford received unemployment insurance benefits for the two weeks ending February 16, 2008, but that he should not have received them. It also establishes that the overpayment has been recovered

offsetting benefits payable to Mr. Botsford for the two weeks ending March 15, 2008. Mr. Botsford owes nothing to the agency at this time.

DECISION:

The unemployment insurance decision dated March 3, 2008, reference 03, is affirmed. The claimant was overpaid by \$746.00 for the two weeks ending February 16, 2008. The overpayment has been recovered. Mr. Botsford owes nothing to the agency at this time.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/css