

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA I GOMEZ
Claimant

APPEAL 17A-UI-07334-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 02/19/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 28, 2017, (reference 06) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$966.00 as a result of a disqualification decision. Claimant waived notice on the issue of overpayment on the record for appeal number 17A-UI-06861-NM, in order that the hearings could be held concurrently. A telephone hearing was held on July 25, 2017. The claimant participated with the assistance of a Spanish language interpreter from CTS Language Link.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 19, 2017. The claimant filed for and received a total of \$966.00 in unemployment insurance benefits for the weeks between May 14, 2017 and June 3, 2017.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 17A-UI-06861-NM-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$966.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated June 28, 2017 (reference 06), is affirmed. The claimant was overpaid \$966.00 in unemployment insurance benefits, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs