

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIA E HERNANDEZ**  
Claimant

**APPEAL NO. 09A-UI-17344-S**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 06/28/09  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated October 14, 2009, reference 02, that held she is overpaid benefits \$1,065.00 because of the department decision she had reasonable assurance of employment between successive years or terms with an educational institution. A hearing was scheduled for Des Moines, Iowa, on December 16, 2009. The claimant did not participate.

**ISSUE:**

Whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: The claimant is overpaid due to a department decision that has been affirmed (Appeal No. 09A-UI-17343-ST).

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 section 96.8, subsection 5.

The administrative law judge concludes the claimant is overpaid benefits \$1,065.00. The overpayment is caused by a department decision that has been affirmed (Appeal No. 09A-UI-17343-ST).

**DECISION:**

The department decision dated October 14, 2009, reference 02, is affirmed. The claimant is overpaid benefits \$1,065.00.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw