

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARCUS C COOPER Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 12A-UI-13849-D</div> <div>ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 01/15/12 Claimant: Appellant (4/R)</div>
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Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Marcus C. Cooper (claimant) appealed a representative's November 14, 2012 decision (reference 06) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, an in-person hearing was held on December 5, 2012. This appeal was consolidated for hearing with one related appeal, 12A-UI-12901-D. The claimant participated in the hearing. 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 reversing the representative's decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated October 18, 2012 (reference 05) that concluded the claimant was disqualified from receiving benefits as of January 24, 2012 for an indefinite period. The claimant timely appealed that decision and in the concurrently issued decision in appeal 12A-UI-12901-D, that decision has been modified to restrict the disqualification to the benefit week ending January 28, 2012. The claimant's weekly benefit amount was calculated to be \$266.00.

The overpayment decision was issued in this case as a result of the October 18, 2012 (reference 05) disqualification decision. The period for which the claimant was considered to have been overpaid was for the period of January 22 through October 13, 2012, and the total amount he was considered to have been overpaid was \$7,340.36.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$7,340.36.

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. In this case, the claimant received benefits for which he subsequently was deemed ineligible in the representative's decision issued on October 18, 2012. The disqualification from that decision has been substantially reversed but for one week in the concurrently issued decision in 12A-UI-12901-DT. Therefore, the administrative law judge concludes that the claimant was not overpaid benefits of \$7,340.36; he was only overpaid unemployment insurance benefits for the benefit week ending January 28, 2012 in the amount of \$266.00. The administrative law judge notes that this amount and more has already been recovered through offset against other weeks for which the claimant was eligible for benefits.

DECISION:

The representative's November 14, 2012 decision (reference 06) is modified in favor of the claimant. The claimant is not overpaid benefits of \$7,340.36, but only in the amount of \$266.00. The matter is remanded to the Claims Section for adjustment of the claimant's overpayment balance.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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