

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SEMIR SKRGIC**  
Claimant

**APPEAL 19A-UI-08155-DB**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/16/19**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 11, 2019 (reference 09) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$4,356.00 for twelve weeks ending September 14, 2019. The claimant was properly notified of the hearing. An in-person hearing was held on December 12, 2019 in Waterloo, Iowa. The hearing was held as a consolidated hearing with Appeal 19A-UI-08133-DB-T. Claimant participated personally with the assistance of a Bosnian interpreter. Susan Gruber participated as a witness on behalf of Larson Construction Co. Inc. in the consolidated hearing. Department's Exhibit D1 was admitted. Employer's Exhibit 1 was admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$4,356.00 for twelve weeks ending September 14, 2019. The overpayment issue in this case was created by a disqualification decision that has been reversed. See Appeal 19A-UI-08133.DB-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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.

b. (1) 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 § 96.8, subsection 5.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits of \$4,356.00 for twelve weeks ending September 14, 2019 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been reversed.

**DECISION:**

The October 11, 2019 (reference 09) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits of \$4,356.00 for twelve weeks ending September 14, 2019 as the disqualification decision that created the overpayment decision has been reversed.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/scn