

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEANNE M SMITH**  
Claimant

**APPEAL NO: 14A-UI-00442-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/05/09  
Claimant: Appellant (4)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Deanne M. Smith (claimant) appealed a representative's January 2, 2014 decision (reference 03) that concluded she had been overpaid emergency unemployment compensation (EUC) benefits on her July 5, 2009 claim for a four-week period ending June 26, 2010. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on February 4, 2014. Prior to the hearing being held and after an informal discussion with the claimant on January 29, 2014, the administrative law judge determined and the claimant concurred that no hearing was necessary and a decision should be made on the record.

**ISSUE:**

Was the claimant is overpaid EUC benefits of \$1,488.00 for the four weeks ending June 26, 2010?

**FINDINGS OF FACT:**

The representative's decision noted that this resulted from an Agency error, and that the weeks would be reentered on the claimant's claim from July 8, 2008. This did occur. The administrative law judge further observes that another decision was issued on January 14, 2014 (OC 07/05/09 – reference 04) which amended the initial decision to reflect that the balance had been reduced to \$744.00.

The administrative law judge further observes that also on January 14, 2014 yet another decision was issued, this one entered under the claimant's September 9, 2012 claim year (OC 09/09/12 – reference 03), which concluded that the claimant was overpaid \$1,222.00 for a four week period ending September 7, 2013. That decision also noted that this resulted from an Agency error, and that the weeks would be reentered on the claimant's claim from July 8, 2008. This did occur.

As reflected in the Agency records as of the date this decision is issued, the net result of the re-entry of the weeks in question against the claimant's prior claim years and the resulting

credits which this generated is that the claimant's total overpayment balance has been reduced to zero.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

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. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant was overpaid EUC benefits pursuant to Iowa Code § 96.3-7. However, because the weeks resulting in the overpayment were successfully reentered as weekly claims for benefits in claim years for which the claimant had remaining eligibility, and this resulted in sufficient credits to reduce the overpayment balancer to zero, the overpayment has been already recovered.

**DECISION:**

The representative's January 2, 2014 decision (OC 07/05/09 – reference 03) is affirmed as modified. The claimant was overpaid EUC benefits due to the Agency's error, but that overpayment has now been recouped through credit against other eligibility, so the claimant's current overpayment balance is \$0.00.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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