

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CURTIS A DECKER
Claimant

APPEAL 18A-UI-12302-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/10/17
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 21, 2018, (reference 05), unemployment insurance decision that found claimant overpaid unemployment insurance benefits based upon a disqualifying separation from employment. After due notice was issued, a telephone conference hearing was scheduled to be held on January 11, 2019. Claimant participated.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received unemployment insurance benefits in the amount of \$946.00 for the two weeks ending December 8, 2018. A workforce representative later determined claimant was not qualified to receive the benefit payments due to a separation from employment. Claimant appealed that determination and it was affirmed, in part, in Appeal Number 18A-UI-12299-CL-T. The administrative law judge found claimant was not qualified to receive benefits until December 16, 2018.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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.

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 been overpaid unemployment insurance benefits in the amount of \$946.00 during the two weeks ending December 8, 2018, as claimant was not qualified and eligible to receive benefits until December 16, 2018.

DECISION:

The December 21, 2018, (reference 05) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$946.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn