

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DUANE D HUTCHINSON
Claimant

APPEAL 18A-UI-09314-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/03/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 6, 2018, (reference 03), unemployment insurance decision that found claimant overpaid unemployment insurance benefits based upon his inability to work. After due notice was issued, a telephone conference hearing was scheduled to be held on September 25, 2018. Claimant participated personally and through witness Paula Hutchinson. He was represented by Don Gifford.

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 \$2,108.00 in unemployment insurance benefits for the 11 weeks ending August 25, 2018. Claimant was not eligible for these benefits because he was found not able to or available for work during this time period. That decision was affirmed in Appeal Number 18A-UI-09313-CL-T.

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 \$2,108.00, pursuant to Iowa Code § 96.3(7), as the decision that created the overpayment decision has been affirmed.

DECISION:

The September 6, 2018, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,108.00.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn