

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JULIE PHIPPEN**  
Claimant

**APPEAL 17A-UI-08209-DL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/04/17**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the July 31, 2017, (reference 04), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$621.00 for the three-week period ending June 24, 2017, as a result of a redetermination of the monetary record to exclude educational institution wages. A telephone hearing was held on August 29, 2017, pursuant to due notice. The 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: Claimant received unemployment insurance benefits in the gross amount of \$914.00 for the three weeks ending June 24, 2017, but was entitled to \$127.00 per week based upon non-educational institution wages. She received \$621.00 in gross benefits in error.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code section 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) (a) 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 section 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$621.00 pursuant to Iowa Code section 96.3(7) because of the removal of educational institution wages in calculating the maximum and weekly benefit amounts.

**DECISION:**

The July 31, 2017, (reference 04) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$621.00 to which she was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs