IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

WESLEY J WOTEN Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 17A-UI-12534-DL-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 01/29/17 Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed the December 6, 2017, (reference 06) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $243.00 for the one-week period ending November 11, 2017, as a result of an ineligibility decision. A telephone hearing was scheduled for December 26, 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 $243.00 for the one week-ending November 11, 2017. The overpayment issue in this case was created by the ineligibility decision that has been reversed.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not 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 not been overpaid unemployment insurance benefits in the amount of $243.00 pursuant to Iowa Code section 96.3(7) as the ineligibility decision that created the overpayment decision has been reversed.

DECISION:

The December 6, 2017, (reference 06) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of $243.00.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs