

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BOUASAVANH V PHALAKHONE**  
Claimant

**APPEAL 18A-UI-09166-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/29/18  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 29, 2018, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,401.00 as a result of a disqualification decision. The parties were properly notified of the hearing. A telephone hearing was held on September 20, 2018. The claimant participated with the assistance of a Laotian interpreter with CTS Language Link. Claimant's social worker, Julie Schapp, was also present on his behalf but did not testify.

**ISSUE:**

Is the claimant overpaid benefits which must be repaid?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of July 29, 2018. The claimant filed for and received a total of \$1,401.00 in unemployment insurance benefits for the weeks between July 29, 2018 and August 18, 2018.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 18A-UI-09165-NM-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,401.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated August 29, 2018, 2018 (reference 03), is affirmed. The claimant was overpaid \$1,401.00 in unemployment insurance benefits, which must be repaid.

---

Nicole Merrill  
Administrative Law Judge

---

Decision Dated and Mailed

nm/rvs