

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DONNA R WILLIAMSON**  
Claimant

**APPEAL NO. 09A-UI-09893-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/22/09  
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Donna R. Williamson (claimant) appealed a representative's June 30, 2009 decision (reference 01) that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 6, 2009. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 09A-UI-09892-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

**ISSUE:**

Whether the claimant is overpaid unemployment insurance benefits of \$8,642.00.

**FINDINGS OF FACT:**

A representative issued a decision dated February 11, 2009 (reference 08) (under a claim year beginning February 24, 2008) that concluded the claimant was disqualified from receiving benefits after a separation from employment from Care Initiatives (employer). The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 09A-UI-09892-DT, that disqualification decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective February 24, 2008. She reopened that claim effective December 21, 2008, and upon expiration of her original claim year as of February 22, 2009, she established a second claim year effective February 22, 2009. The claimant has received unemployment insurance benefits after the separation from employment in the amount of \$8,642.00.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$8,642.00 pursuant to Iowa Code § 96.3-7.

**DECISION:**

The representative's June 30, 2009 decision (reference 01) is affirmed. The claimant is overpaid benefits of \$8,642.00.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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