

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE L SKINNER
Claimant

APPEAL 19R-UI-07555-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/30/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Michelle L. Skinner (claimant) appealed an unemployment insurance decision dated August 7, 2019, reference 03, that concluded she was overpaid \$902.00 in unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was scheduled to be held on August 30, 2019. The claimant did not respond to the hearing notice before the start of the hearing and a default decision was issued. She appealed that decision to the Employment Appeal Board (EAB) who remanded the case for another hearing.

Notices of the new telephone hearing scheduled for October 18, 2019 were mailed to the parties' last known mailing address. This hearing was consolidated with the hearing for appeal 19R-UI-07554-SC-T. The claimant participated personally. The Skemp Co. (employer) participated through Owner and Registered Financial Consultant Charlie Skemp. No exhibits were admitted into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed an additional claim for unemployment insurance benefits with an effective date of June 30, 2019. She filed for and received a total of \$902.00 in unemployment insurance benefits for the weeks between June 30, 2019 and July 20, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 19R-UI-07554-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not 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.

The decision that disqualified the claimant from receiving unemployment benefits and resulting in an overpayment was reversed. As a result, the claimant has not been overpaid \$902.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated August 7, 2019, reference 03, is reversed. The claimant was not overpaid \$902.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn