

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES H MOHR
Claimant

APPEAL NO: 11A-UI-16288-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/15/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's December 14, 2011 decision, reference 02, that held he was overpaid benefits \$65 for the two weeks ending November 26, 2011, because of a department decision he was not eligible for emergency unemployment compensation benefits. A telephone hearing was scheduled for January 25, 2012. The claimant did not participate.

ISSUE:

Whether the claimant is overpaid federal extension benefits (EUC).

FINDINGS OF FACT:

The claimant did file an Iowa regular unemployment claim effective November 13, 2011, and was eligible for benefits. A \$65 overpayment on his EUC claim was offset the week ending December 24, 2011 on his regular claim. There is no outstanding benefit overpayment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 the claimant is overpaid federal extension benefits (EUC) \$65. The overpayment was repaid and collected by the department when it offset it against a regular benefit entitlement for the week ending December 24, 2011.

DECISION:

The department representative's December 14, 2011 decision, reference 02, is affirmed. The claimant is overpaid extended (EUC) benefits \$65, but it has been repaid by department offset procedure.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw