

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN D NETZER
Claimant

APPEAL 18A-UI-10756-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/21/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Brian D. Netzer (claimant) filed a timely appeal from the October 30, 2018, reference 04, unemployment insurance decision that determined he was overpaid unemployment insurance benefits for the week ending October 13, 2018. After due notice was issued, a telephone conference hearing was held on November 9, 2018 and consolidated with the hearing for appeals 18A-UI-10667-SC-T and 18A-UI-10668-SC-T. The claimant participated.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed his original claim for benefits effective January 21, 2018 and reactivated his claim effective September 23, 2018. The claimant is a current member of his Union Hall in good standing. He obtains all of his jobs through the Union Hall. The claimant contacted his Union Hall seeking work for the week ending October 13, 2018 but there were no jobs available.

The claimant filed for and received \$455.00 for the week ending October 13, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits that week has been reversed in a decision of the administrative law judge in appeal 18A-UI-10668-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.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$455.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 30, 2018, reference 04, is reversed. The claimant was not overpaid \$455.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn