

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>PAMELA S BLUME</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<b>APPEAL NO. 11A-UI-07781-AT</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b>   <b>OC: 02/28/10</b> <b>Claimant: Appellant (1)</b>

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Pamela S. Blume filed an appeal from an unemployment insurance decision dated May 27, 2011, reference 08, that ruled she had been overpaid \$392.00 for the week ending April 3, 2010, because of a fact-finding decision dated March 30, 2010, that held her ineligible for a second benefit yet. With the consent of the claimant, this matter was considered in a hearing on June 17, 2011, on a consolidated record with appeals 11A-UI-07259-AT, 11A-UI-07260-AT, and 11A-UI-07780-AT. The claimant participated on her own behalf. The administrative law judge takes official notice of Agency benefit payment records. The record in this case was held open through June 24, 2011, for the claimant to submit additional information. There being no further information from the claimant, the administrative law judge proceeds to issue his decision.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Pamela S. Blume received state unemployment insurance benefits in the amount of \$392.00 for the week ending April 3, 2010. The fact-finding decision holding her ineligible for those benefits has been affirmed by the administrative law judge's decision 11A-UI-07780-AT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who has received the benefits is not at fault for the overpayment. The Supreme Court of Iowa has ruled that the provisions of Iowa Code section 96.3-7 are jurisdictional and mandatory. The administrative law judge has no authority to waive an overpayment. See Sievertsen v. Employment Appeal Board, 483 N.W.2d 818 (Iowa 1992). The evidence in this record persuades the administrative law judge that through no fault of her own, Ms. Blume received state unemployment insurance benefits for the week ending April 3, 2010, benefits that she should not have received. Therefore, the benefits must be repaid.

**DECISION:**

The unemployment insurance decision dated May 27, 2011, reference 08, is affirmed. The claimant has been overpaid \$392.00 for the week ending April 3, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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