

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYDIA JOACHIN
Claimant

APPEAL NO. 06A-UI-11682-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/22/06 R: 03
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed the December 1, 2006, reference 03, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$415.00 as a result of a disqualification decision. After due notice was issued a hearing was scheduled for and held on December 21, 2006. The claimant participated.

ISSUE:

The issue is whether the claimant is overpaid benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds the overpayment issued in this case was created by a disqualification decision that has now been affirmed. The evidence in the record establishes that Ms. Joachin was paid \$166.00 by warrant on November 9, 2006 and was paid \$166.00 by warrant on November 20, 2006. The record also establishes the claimant was paid by direct deposit, \$83.00 on November 27, 2006 equaling \$415.00.

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 that the claimant has been overpaid unemployment insurance benefits in the amount of \$415.00 pursuant to Iowa Code section 96.3-7 as the disqualification that created the overpayment decision has now been affirmed.

DECISION:

The December 1, 2006, reference 03, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$415.00.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs