

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF D KENNEDY**  
Claimant

**APPEAL NO. 10A-EUCU-00994-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/04/09**  
**Claimant: Appellant (1)**

Section 96.3-7 - Overpayment of Benefits

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated October 12, 2010, reference 03, that concluded he was overpaid \$4,392.00 in Emergency Unemployment Compensation (EUC) because he was eligible for regular unemployment insurance benefits. A hearing was scheduled for January 26, 2011. The claimant did not participate in the hearing. Based on the claimant's failure to participate in the hearing, the administrative file, and the law, the following findings of fact, reasoning and conclusions of law and decision are entered.

**ISSUE:**

Was the claimant overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant filed for and received a total of \$4,392.00 in EUC benefits for the 18 weeks between January 3 and May 8, 2010.

The unemployment insurance decision that disqualified the claimant from receiving EUC benefits from January 3 and May 8, 2010, has been affirmed in a decision of the administrative law judge in appeal 10A-EUCU-00993-SWT.

The Agency has used regular unemployment benefits due the claimant for the weeks of overpayment to offset the overpayment. As a result, the claimant currently has a balance of \$238.67.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$4,392.00 in EUC benefits. Regular unemployment insurance benefits due the claimant for the same weeks have been used to reduce the current balance of the overpayment to \$238.67.

**DECISION:**

The unemployment insurance decision dated October 12, 2010, reference 03, is affirmed. The claimant was overpaid \$4,392.00 in EUC benefits, which must be repaid. His current overpayment balance is \$238.67.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css