

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**EDWARD J TRACY**  
Claimant

**APPEAL 22A-UI-02847-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/08/20  
Claimant: Appellant (1)**

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Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant Edward J. Tracy appealed a representative's decision dated January 3, 2022, (reference 02) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 25, 2022, and was consolidated with the hearing for appeals 22A-UI-02846-S2-T and 22A-UI-02848-S2-T. The claimant participated personally. The administrative law judge took official notice of the administrative record.

**ISSUE:**

The issue is whether the claimant is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 19, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits. That decision has been affirmed. See 21A-UI-02846-S2-T. Claimant did receive benefits in the gross amount of \$5,587.00 for the twelve-week period ending June 20, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant was 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

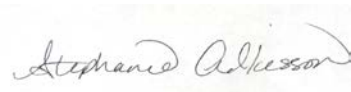
discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) 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 \$5,587.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The decision of the representative dated January 3, 2022, (reference 02) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$5,587.00 to which he was not entitled, and those benefits must be recovered in accordance with the law.



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March 28, 2022  
Decision Dated and Mailed

sa/scn