

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JASON MCCANN
Claimant

APPEAL NO. 21A-UI-01183-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/15/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the December 7, 2020, (reference 13) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$5,772.00 for the twelve-week period ending June 13, as a result of a disqualification decision. A telephone hearing was held on February 17, 2021, pursuant to due notice. The claimant, Jason McCann, participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a disqualification decision that has now been affirmed. (See 21A-UI-01181-LJ-T) Claimant did receive benefits in the gross amount of \$5,772.00.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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

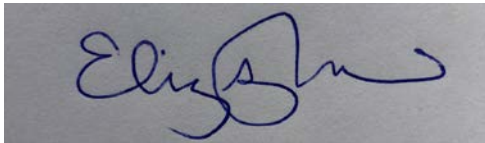
equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

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 \$5,772.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The December 7, 2020, (reference 13) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$5,772.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is written on a light-colored rectangular background.

Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 26, 2021
Decision Dated and Mailed

lj/scn