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

CHERYL L DALES
Claimant

**IOWA WORKFORCE
 DEVELOPMENT DEPARTMENT**

APPEAL NO. 07A-UI-07787-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/08/07   R: 04
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the August 10, 2007, reference 05, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $746.00 for the two-week period ending August 4, 2007, as a result of an ineligibility decision. A telephone hearing was held on August 29, 2007, pursuant to due notice. The claimant participated.

ISSUE:

The issue is whether claimant was 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 an ineligibility decision that has now been affirmed. Claimant did receive benefits in the amount of $746.00.

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:

> 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 $746.00 pursuant to Iowa Code § 96.3(7), as the ineligibility decision that created the overpayment decision has now been affirmed.

DECISION:

The August 10, 2007, reference 05, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of $746.00. Inasmuch as the overpayment has been offset against later benefits during the two weeks ending August 18, 2007, the overpayment has been resolved.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw