

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BENJAMIN E HALE**  
Claimant

**APPEAL NO. 13A-UI-13023-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/04/12  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated November 15, 2013, reference 04, that held he is overpaid benefits \$2,089.14 for the 15 weeks ending September 28, 2013 due to a department decision he voluntarily quit Labor Ready Midwest. A hearing was held on December 16, 2013. The claimant did not participate.

**ISSUE:**

The issue is whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record finds that: Claimant filed a UI claim effective November 4, 2012. The department issued a November 14, 2013 decision that disqualified the claimant and caused him to be overpaid \$2,089.47 benefits he had received. The decision has been affirmed (#13A-UI-13022-ST).

Claimant failed to respond to the hearing notice requesting to participate.

**REASONING AND CONCLUSIONS OF LAW:**

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) 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 is overpaid benefits \$2,089.47 due to a department November 14, 2013 decision that has been affirmed. The decision has been affirmed in Appeal #13A-UI-13022-ST.

**DECISION:**

The decision of the representative dated November 15, 2013, reference 04, is affirmed. The claimant is overpaid benefits \$2,089.47.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs