

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEFFERY HACKER
Claimant

APPEAL NO. 14A-UI-04721-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/24/13
Claimant: Appellant (1)**

Iowa Code § 96.3-7 - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Jeffery Hacker (claimant) appealed an unemployment insurance decision dated April 28, 2014, (reference 04), which held that he was overpaid unemployment insurance benefits in the amount of \$5,144.93 as a result of a disqualification decision. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on May 28, 2014. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant was overpaid \$5,144.93 in unemployment insurance benefits for the 23-week period ending January 4, 2014.

FINDINGS OF FACT:

The administrative law judge, having heard and considered all of the evidence in the record, finds that: A fact-finding decision issued on January 13, 2014, (reference 01), denied benefits. Both parties participated in the fact-finding interview. The claimant appealed and an appeal hearing was held on February 10, 2014. The claimant and the employer participated in the appeal hearing. The administrative law judge affirmed the disqualification, which resulted in an overpayment of benefits. The claimant appealed the disqualification to the Employment Appeal Board, who affirmed the disqualification.

The claimant did receive unemployment insurance benefits in the amount of \$5,144.93 for the 23-week period ending January 4, 2014.

REASONING AND CONCLUSIONS OF LAW:

If an individual receives benefits for which they are subsequently determined to be ineligible, the benefits shall be recovered even though the individual acts in good faith and is not otherwise at fault. The Bureau 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. See Iowa Code § 96.3-7.

If the Bureau 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. See Iowa Code § 96.3-7.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$5,144.93 pursuant to Iowa Code § 96.3-7 as the disqualification decision that created the overpayment decision has become final.

DECISION:

The unemployment insurance decision dated April 28, 2014, (reference 04), is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$5,144.93.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css