

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID A ZAHRADNEK
Claimant

APPEAL 17A-UI-11081-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/09/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the October 18, 2017, (reference 05), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$447.00 for the one-week period ending September 30, 2017, as a result of an ineligibility decision, reference 03. A telephone hearing was held on November 16, 2017, pursuant to due notice. The claimant participated.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the gross amount of \$447.00 for the one week-ending September 30, 2017. The overpayment issue in this case was created by an ineligibility decision reference 03 that has been affirmed.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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 \$447.00 pursuant to Iowa Code section 96.3(7) as the ineligibility decision reference 03 that created the overpayment decision has been affirmed.

DECISION:

The October 18, 2017, (reference 05) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$447.00 for the one week-ending September 30, 2017, to which he was not entitled. Those benefits must be recovered in accordance with Iowa law.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs