

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN I NOSKO
Claimant

APPEAL 17A-UI-06058-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/10/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

John I. Nosko (claimant) appealed an unemployment insurance decision dated June 13, 2017, reference 03, that concluded he was overpaid \$446.00 in unemployment insurance benefits for week ending May 27, 2017 because he was not available for work as he failed to report as directed by an agency representative. A telephone hearing was scheduled for June 29, 2017. Before the hearing was held, Iowa Workforce Development (IWD) issued a decision favorable to the claimant dated June 22, 2017, reference 05, stating that he is eligible for unemployment insurance benefits because he had an acceptable reason for not reporting as directed. No hearing was held as there was sufficient information in the administrative record to resolve the matter without testimony.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 10, 2016, and an additional date of March 26, 2017. The claimant filed for and received \$446.00 in unemployment insurance benefits for the week ending May 27, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits was reversed by a subsequent agency decision issued on June 22, 2017, reference 05, which stated he had an acceptable reason for failing to report.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been reversed by subsequent agency action, the claimant was not overpaid \$446.00 in unemployment insurance benefits for failing to report as directed as he had an acceptable reason for failing to report as directed.

DECISION:

The unemployment insurance decision dated June 13, 2017, reference 03, is reversed. The claimant was not overpaid \$446.00 in unemployment insurance benefits as he had an acceptable reason for failing to report as directed.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn