

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JEROME M BURRELL**  
Claimant

**APPEAL 18A-UI-07136-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/29/18  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the June 29, 2018, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$420.00 for the three-week period ending June 16, 2018, as a result of a disqualification decision. A telephone hearing was scheduled for July 18, 2018. However, prior to the hearing, the disqualification decision was dismissed as moot. Therefore, no hearing was necessary to resolve this issue.

**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: The overpayment issue in this case was created by the disqualification decision that has been dismissed as moot. See 18A-UI-07134-LJ-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

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) (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 not been overpaid unemployment insurance benefits in the amount of \$420.00, pursuant to Iowa Code § 96.3(7), as the disqualification decision that created the overpayment decision has been dismissed as moot.

**DECISION:**

The June 29, 2018, (reference 03) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$420.00. The underlying decision has been dismissed as moot.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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