

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW SCOTT
Claimant

APPEAL 18A-UI-08959-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/29/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Andrew Scott, claimant, filed an appeal from the August 27, 2018 (reference 02) unemployment insurance decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1,401.00 for the three-week period ending August 18, 2018, as a result of a disqualification decision. A telephone hearing was held on October 11, 2018 at 8:05 a.m. Claimant participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether the claimant was overpaid unemployment insurance benefits.

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 a disqualification decision in 18A-UI-08958-AW-T that has now been affirmed. Claimant received unemployment insurance benefits in the gross amount of \$1,401.00 for the three weeks between July 29, 2018 and August 18, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid benefits for the period in question.

Iowa Code § 96.3(7)(a) states:

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.

The administrative law judge concludes that the claimant was overpaid unemployment insurance benefits in the amount of \$1,401.00, as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The August 27, 2018, (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid unemployment insurance benefits in the gross amount of \$1,401.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/scn