

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHY L EMMEL
Claimant

APPEAL 17A-UI-09610-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/05/17
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 14, 2017 (reference 05) unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$325.00 for the one week ending August 26, 2017. After due notice was issued, a telephone conference hearing was set for October 5, 2017. Claimant participated.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The overpayment is the result of the reference 01 decision finding claimant ineligible for benefits during the one week ending August 26, 2017. That decision was affirmed in Appeal Number 17A-UI-09607-CL-T. Claimant received \$325.00 in benefits for the one week ending August 26, 2017. Claimant has reimbursed the agency for the overpayment of benefits in the amount of \$325.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge finds that the claimant has been 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.

b. (1) 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 § 96.8, subsection 5.

Since claimant was not eligible for benefits during the one week ending August 26, 2017, but received benefits in the amount of \$325.00, claimant was overpaid benefits in the amount of \$325.00.

DECISION:

The September 14, 2017 (reference 05) unemployment insurance decision is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$325.00 for the one week ending August 26, 2017. Claimant has reimbursed the agency for those benefits.

Christine A. Louis
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Decision Dated and Mailed

cal/scn