

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHLEEN L WILSON
Claimant

APPEAL 19A-UI-08206-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/02/19
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On October 19, 2019, Kathleen L. Wilson (claimant) appealed an unemployment insurance decision dated October 14, 2019, reference 04, that concluded she was overpaid \$467.00 in unemployment insurance benefits for the week ending September 14, 2019. On October 10, 2019, hearing notices were mailed for a telephone hearing scheduled on October 25, 2019 for two other appeals the claimant had filed. During the October 25, 2019 hearing, the claimant waived the ten-day notice on the appeal of the overpayment. The hearing for this appeal was consolidated with the hearing for appeals 19A-UI-07814-SC-T and 19A-UI-07815-SC-T. The Claimant's Exhibit A was admitted into the record. The administrative law judge took official notice of the fact-finding documents related to the September 30, 2019, reference 03, unemployment insurance decision.

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 June 2, 2019. She filed for and received a total of \$467.00 in unemployment insurance benefits for the week ending September 14, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits for that week has been reversed in a decision of the administrative law judge in appeal 19A-UI-07814-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not 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.

The decision that disqualified the claimant from receiving benefits for the week ending September 14 and caused the overpayment has been reversed. As a result, the claimant was not overpaid \$467.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 14, 2019, reference 04, is reversed. The claimant was not overpaid \$467.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn