

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DAMON A VILMONT
Claimant

APPEAL NO. 07A-UI-05539-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/08/07 R: 02
Claimant: Appellant (5)**

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

STATEMENT OF THE CASE:

Claimant appealed the May 25, 2007, reference 06, decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$291.00 as a result of a work refusal decision. A telephone hearing was held on June 14, 2007, pursuant to due notice. Claimant participated. Employer participated by Shauna Handsacker.

ISSUE:

The issue is whether claimant is overpaid 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 decision that has now been modified in favor of the respondent/employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 been overpaid unemployment insurance benefits in the amount of \$291.00 as stated by the representative's decision. However, claimant is overpaid \$485.00 pursuant to Iowa Code § 96.3(7) because the decision that created the overpayment decision has now been modified in favor of the respondent/employer.

DECISION:

The May 25, 2007, reference 06, decision is modified in favor of the respondent/employer. Claimant has been overpaid unemployment insurance benefits in the amount of \$485.00.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css