

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARTIN L DAVIS
9600 CLUB RD
CEDAR RAPIDS IA 52404

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-02736-JTT
OC: 06/19/05 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Claimant Martin Davis filed a timely appeal from the February 27, 2006, reference 03, decision that held he had been overpaid unemployment insurance benefits in the amount of \$310.00 for the benefit week that ended February 4, 2006, as a result of an administrative officer error. After due notice was issued, a hearing was held on March 29, 2006. Mr. Davis participated. The hearing in this matter was held in conjunction with the hearing on appeal number 06A-UI-02735-JTT. The administrative law judge took official notice of all Agency administrative records regarding the claim for benefits that was effective June 19, 2005. Claimant's Exhibit A was received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: In appeal number 05A-UI-12461-H2T, Administrative Law Judge Teresa Hillary concluded Martin Davis was disqualified for benefits based on a voluntary quit from South Slope Co-op Telephone Company and further concluded that Mr. Davis was overpaid \$3,536.77 for benefits received June 19, 2005 through January 28, 2006. Thereafter, an Agency administrative officer erroneously authorized benefits of \$310.00 for the benefit week that ended February 4, 2005. No funds were actually disbursed to Mr. Davis. Instead, the \$310.00 weekly benefit amount was offset against the \$3,536.77 overpayment. The effect of the offset was to erroneously reduce the overpayment amount by \$310.00. When the Agency discovered the error, a representative entered the February 27, 2006, reference 03, overpayment decision to reverse the \$310.00 offset.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 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 was overpaid unemployment insurance benefits in the amount of \$310.00 for the benefit week that ended February 4, 2006. The Agency representative appropriately entered a decision to correct the overpayment and offset.

DECISION:

The Agency representative's February 27, 2006, reference 03, decision is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$310.00 for the benefit week that ended February 4, 2006.

jt/kkf