

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA M WALKER
Claimant

APPEAL NO: 14A-UI-08202-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/30/14

Claimant: Appellant (3)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Jessica M. Walker (claimant) appealed a representative's August 5, 2014 (reference 07) decision that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 28, 2014. The claimant participated in the hearing. This appeal was consolidated for hearing with two related appeals, 14A-UI-08200-DT and 14A-UI-08201-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$174.08?

FINDINGS OF FACT:

A representative issued a decision dated August 4, 2014 (reference 05), in Appeal No. 14A-UI-08200-DT, that concluded the claimant was disqualified from receiving benefits for the period of June 22 through July 5, 2014 because she was not able and available for work due to personal injury. The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in Appeal No. 14A-UI-08200-DT, that disqualification decision has now been affirmed as modified to also include that the claimant was not eligible to receive benefits for the benefit week ending of June 21, 2014.

The claimant established a claim for unemployment insurance benefits effective March 30, 2014. Her weekly benefit amount was calculated to be \$104.00. The claimant has received unemployment insurance benefits for the period of June 15 through July 5, 2014 in the amount of \$278.08.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$278.08 pursuant to Iowa Code § 96.3-7. However, this would also mean that the claimant could offset eligibility for this amount against other remaining weeks during her benefit year for which she might otherwise be eligible.

DECISION:

The representative's August 5, 2014 (reference 07) decision is affirmed as modified. The claimant is overpaid benefits of \$278.08.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can