

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN P VILLARREAL
Claimant

APPEAL NO. 13A-UI-13256-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/24/12
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated December 2, 2013, reference 03, that held he is overpaid benefits \$13,427.91 for the 36-weeks ending June 29, 2013 due to a department November 18, 2013 decision that disqualified him. A hearing was held on December 19, 2013. The claimant participated.

ISSUE:

The issue is whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds that: Claimant filed a unemployment claim effective June 24, 2012. The department issued a decision dated November 18, 2013, reference 02, that disqualified the claimant for refusing a recall to suitable work with Orion that caused him to be overpaid \$13,427.91. The decision has been reversed (appeal number 13A-UI-13255-ST).

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 section 96.8, subsection 5. . . .

The administrative law judge concludes claimant is not overpaid benefits \$13,427.91. The department decision that caused the overpayment has been reversed in appeal number 13A-UI-13255-ST.

DECISION:

The decision of the representative dated December 2, 2013, reference 03, is reversed. The claimant is not overpaid benefits \$13,427.91.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css