

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SKYLAR M THORNTON**  
Claimant

**APPEAL 17A-UI-08866-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/07/16**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 24, 2017, (reference 09), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$688.00 for the two weeks ending July 29, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on September 27, 2017. Claimant participated. Claimant's Exhibit A was received.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**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, in part, by the reference 08 decision finding claimant ineligible for benefits during the one week ending July 22, 2017. Claimant received a partial payment for benefits for that week, in the amount of \$182.00. That decision was affirmed in appeal number 17A-UI-09009-CL-T.

The present decision also found claimant overpaid for the one week ending July 29, 2017. Claimant was paid benefits for that week, in the amount of \$506.00. Claimant was eligible for benefits that week. Specifically, a reference 07 decision found claimant approved for department approved training that week. Claimant attended the training.

The entire amount of the overpayment has been offset from claimant's subsequent benefit payments.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits, but only in the amount of \$182.00.

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.

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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$182.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been affirmed. Claimant is entitled to be repaid the \$506.00 that was offset from subsequent benefits as he was eligible for benefits received during the week ending July 29, 2017.

**DECISION:**

The August 24, 2017, (reference 09) unemployment insurance decision is modified in favor of claimant. The claimant has been overpaid unemployment insurance benefits in the amount of \$182.00. The \$506.00 that was incorrectly offset from claimant's benefits should be repaid to claimant.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

cal/scn