

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CYPRIAN O IHEDILIONYE**  
Claimant

**APPEAL NO. 11A-EUCU-00863-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/06/10**  
**Claimant: Appellant (5)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

The claimant filed an appeal from an unemployment insurance decision dated November 23, 2011, reference 03, that stated he was overpaid emergency unemployment compensation in the amount of \$2,814.00 for the seven weeks ending November 5, 2011. The decision also stated that those weeks would be entered into his state unemployment insurance claim effective June 5, 2011 in order to offset all or a portion of the overpayment. After due notice was issued, a telephone hearing was held on a consolidated record with 11A-EUCU-00862-AT on December 23, 2011.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

On various dates in September, October and November of 2011 Iowa Workforce Development paid emergency unemployment compensation benefits to the claimant at the rate of \$402.00 per week based on his state unemployment insurance claim filed in June of 2010. The Agency then realized that the claimant was monetarily eligible for state unemployment insurance benefits at the rate of \$426.00 for those same weeks based on a new state claim effective June 5, 2011. The Agency then reimbursed the federal emergency unemployment compensation for the weeks in question and paid the claimant the difference, \$168.00 in a direct deposit on or about December 14, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 requires that benefits paid by the Agency in error be repaid, even if the individual who had received the benefits is not at fault for the overpayment. The evidence in the record establishes that the claimant received emergency unemployment compensation benefits that he should not have received. It also establishes that the Agency recovered that money by withholding an equal amount of state benefits for those same weeks. It has paid the difference to the claimant. He owes nothing to the Agency at this time.

**DECISION:**

The unemployment insurance decision dated November 23, 2011, reference 03, is modified. The claimant was paid emergency unemployment compensation in error for the seven weeks ending November 5, 2011. That amount has been recovered from state unemployment insurance benefits for the same weeks. The claimant owes nothing to the Agency at this time.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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