

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A GABRIEL
Claimant

APPEAL NO: 06A-UI-09194-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07-09-06 R: 02
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed the September 13, 2006, reference 03, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$758.00 as a result of an ineligibility decision. A telephone hearing was scheduled and held on September 27, 2006, pursuant to due notice. The claimant did participate.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits?

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 by the ineligibility decision that has now been affirmed.

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 has been overpaid unemployment insurance benefits in the amount of \$758.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The September 13, 2006, reference 03, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$758.00.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/cs