IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

KRISTOPHER N BOOKER Claimant	**APPEAL 17A-UI-03666-LJ-T** **ADMINISTRATIVE LAW JUDGE DECISION**
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	
	OC: 12/04/16 Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed the March 28, 2017, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $447.00 for the one-week period ending January 14, 2017, as a result of a failure to report wages earned that week. A telephone hearing was scheduled and held on April 26, 2017, pursuant to due notice. The claimant participated. The administrative law judge took official notice of the administrative record and the overpayment worksheet.

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 by claimant's failure to report wages. Claimant's former employer reported that for the one-week period ending January 14, 2017, claimant earned $553.00 in wages. Claimant admits that for the week ending January 14, 2017, he worked a total of sixteen hours. Claimant believes that the wages as reported by his employer may be accurate. Claimant testified that he believes the overpayment has already been covered by offset unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 96.3(7) provides, in pertinent part:

> 7. *Recovery of overpayment of benefits.*
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> 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.
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> b. (1) (a) 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 $447.00 pursuant to Iowa Code § 96.3(7) as he failed to report wages that he earned for the one-week period ending January 14, 2017.

DECISION:

The March 28, 2017, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of $447.00.

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Elizabeth A. Johnson
Administrative Law Judge

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Decision Dated and Mailed