

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAUREL A BENSON
Claimant

APPEAL NO: 18R-UI-10842-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/06/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 2, 2018, (reference 03) unemployment insurance decision that concluded she was overpaid \$1,731.00 in unemployment insurance benefits.

A first hearing was scheduled for October 17, 2018. The claimant failed to appear and the appeal was dismissed. Upon successful request for reopening to the Employment Appeal Board (EAB), the matter was remanded for a new hearing (See 18B-UI-10045).

The claimant was properly notified about the hearing. A telephone hearing was held on November 15, 2018. The claimant, Laurel A. Benson, participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents, Appeals Decision 18A-UI-07930-DG-T, and EAB decisions 18B-UI-10045 and 18B-UI-07930. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of May 6, 2018. The claimant filed for and received a total of \$1,731.00 in unemployment insurance benefits for the weeks between May 6, 2018 and October 17, 2018.

A reference 01 initial decision denied the claimant benefits based upon her separation with Private Venture Management. The claimant appealed and the decision was reversed following a hearing (See 18R-UI-07930-DG-T). The hearing decision by the administrative law judge was appealed to the employment appeal board (EAB) who reversed the hearing decision, thereby reinstating the initial decision which denied the claimant her benefits. The Employment Appeal

Board decision that disqualified the claimant from receiving unemployment insurance benefits is now final. See 18B-UI-07930.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been affirmed by the Employment Appeal Board decision 18B-UI-07930, the administrative law judge concludes the claimant was overpaid \$1,731.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 2, 2018, (reference 03), is affirmed. The claimant was overpaid benefits in the amount of \$1,731.00, which must be repaid.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn