

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LESLI A WINTERS**  
Claimant

**APPEAL 16A-UI-05441-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/24/16  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 11, 2016, (reference 05), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$760.00 for the two-week period ending April 23, 2016, as a result of a disqualification decision. After due notice was issued, a telephone hearing was scheduled and held on May 31, 2016, pursuant to due notice. Claimant participated.

**ISSUE:**

Is the claimant overpaid 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 disqualification decision that has modified in favor of the appellant but without effect on this overpayment period (claimant was found to be able and available for work effective April 24, 2016). Claimant received benefits in the gross amount of \$760.00.

**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.

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 section 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$760.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has modified in favor of the appellant but without effect on this overpayment period.

**DECISION:**

The May 11, 2016, (reference 05) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$760.00 to which she was not entitled and those benefits must be recovered in accordance with Iowa law.

---

Jeremy Peterson  
Administrative Law Judge

---

Decision Dated and Mailed

jp/pjs