

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER E CRAWFORD**  
Claimant

**APPEAL NO: 17A-UI-10823-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/23/17**  
**Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Benefit Overpayment  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 18, 2017, reference 02, decision that determined she was overpaid benefits in the amount of \$783.00 for the four weeks ending August 12, 2017. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 8, 2017. The claimant participated in the hearing.

**ISSUE:**

The issues are whether the claimant's appeal is timely and whether she is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last known address of record on August 17, 2017. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Bureau by August 27, 2017. That date fell on a Sunday so the appeal was actually due August 28, 2017. The appeal was not filed until October 23, 2017, which is after the date noticed on the disqualification decision. The claimant went to a friend's house to use her computer to file her appeal August 23, 2017, and thought it went through because she did not receive an error message. When she realized her appeal was not filed she sent another appeal October 23, 2017. Under these circumstances, the administrative law judge concludes the claimant's appeal is timely.

The overpayment issue in this case was created by a disqualification decision that has now been reversed.

**REASONING AND CONCLUSIONS OF LAW:**

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.

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 not been overpaid unemployment insurance benefits in the amount of \$783.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been reversed.

**DECISION:**

The August 18, 2017, reference 02, decision is reversed. The claimant has not been overpaid unemployment insurance benefits as the disqualification decision that created the overpayment decision has now been reversed.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs