

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANE O SEIL
Claimant

APPEAL 17A-UI-09806-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/20/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 22, 2017, (reference 07) unemployment insurance decision that found him overpaid benefits of \$228.00 because of failure to report wages for the week ending August 26, 2017. Based on a review of the appeal letter and the administrative record, no testimony was necessary and therefore no hearing was held.

ISSUES:

Did claimant incorrectly report wages?
If so, is the claimant overpaid benefits as a result?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not work for McDonald Truck Wash during 2017. Therefore, claimant did not fail to report wages earned with McDonald Truck Wash during the week ending August 26, 2017. The agency found claimant overpaid benefits in the amount of \$228.00 for the week ending August 26, 2017, and the benefits have since been offset.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant correctly reported wages for the week ending August 26, 2017 and is not overpaid as a result.

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.

Since claimant did not earn wages for the week in question, there was no overpayment of benefits.

DECISION:

The September 22, 2017, (reference 07) unemployment insurance decision is reversed. Wages were correctly reported. The claimant was not overpaid unemployment insurance benefits in the amount of \$228.00. The benefits offset in the amount of \$228.00 should be paid to claimant.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn