

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWN M REICHERTS
Claimant

APPEAL 17A-UI-08078-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/07/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 8, 2017, (reference 04), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$447.00 for the one week ending July 22, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on August 28, 2017. Claimant participated.

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 the August 7, 2017 (reference 02) decision finding claimant ineligible for benefits during the week ending July 22, 2017, based on his indication he was not able to or available for work. That decision was reversed in appeal number 17A-UI-08076-CL-T. Claimant was able to and available for work during the one week ending July 22, 2017.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid benefits.

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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$447.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been reversed.

DECISION:

The August 8, 2017, (reference 04) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$447.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn