

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLOS E LIZANO**  
Claimant

**APPEAL NO. 07A-UI-03376-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/04/07 R: 04  
Claimant: Appellant (1)**

Section 96.3 – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Claimant appealed the March 29, 2007, reference 02, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,331.00 as the result of a disqualification decision. A telephone conference hearing was conducted on April 18, 2007, pursuant to notice. The claimant did participate.

**ISSUE:**

The issue in this matter is whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record the administrative law judge finds: The overpayment in this case was created by a disqualification decision that has now been affirmed. (See Appeal Number 07A-UI-03375-NT).

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 \$2,331.00, pursuant to Iowa Code section 96.3-7 as the disqualification that created the overpayment decision has now been affirmed. (See Appeal Number 07A-UI-03375-NT).

**DECISION:**

The fact finder's March 29, 2007, reference 02, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,331.00.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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