

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN W PRESTON**  
Claimant

**APPEAL NO. 11A-UI-04732-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**  
Respondent

**OC: 02/08/09**  
**Claimant: Appellant (1)**

Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

The claimant appealed a representative's decision dated March 30, 2011, reference 09, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$7,747.00 as a result of a disqualification decision. A telephone hearing was scheduled for and held on April 25, 2011, pursuant to due notice. The claimant did participate.

**ISSUE:**

At issue in this matter is whether Mr. Preston has been overpaid job insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a disqualification decision that has now been affirmed by the Employment Appeal Board and become final.

**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 \$7,747.00 pursuant to Iowa Code section 96.3(7), as the disqualification decision that created the overpayment decision has now been affirmed and become final. Although Mr. Preston acted in good faith and was not otherwise at fault in creating the overpayment, Iowa law still requires that any overpayment of benefits be repaid to the agency.

**DECISION:**

The decision of the representative dated March 30, 2011, reference 09, is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$7,747.00.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw