

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY STUDER**  
Claimant

**APPEAL NO. 09A-UI-06598-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/06/08  
Claimant: Appellant (1)**

Iowa Code section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Anthony Studer filed a timely appeal from the April 21, 2009, reference 02, decision that he was overpaid \$454.00 in benefits for the two-week period of January 4, 2009 through January 17, 2009. After due notice was issued, a hearing was held by telephone conference call on May 26, 2009. Mr. Studer participated personally and was represented by Certified Paralegal Debra Studer. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant for the weeks in question. The hearing in this matter was consolidated with the hearing in Appeal Number 09A-UI-06597-JTT, and the administrative law judge takes official notice of the decision entered in that matter.

**ISSUE:**

Whether Mr. Studer was overpaid \$454.00 in benefits for the two-week period of January 4, 2009 through January 17, 2009.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Anthony Studer established a claim for benefits that was effective July 6, 2008. In connection with that claim, Mr. Studer received \$454.00 in benefits for the two-week period of January 4, 2009 through January 17, 2009. On February 9, 2009, a Workforce Development representative entered a reference 01 decision that denied benefits in connection with a January 8, 2009 voluntary quit. The reference 01 disqualification decision has been affirmed on appeal. See Appeal Number 09A-UI-06597-JTT.

**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.

Because the February 9, 2009, reference 01, disqualification decision that prompted the overpayment decision has been affirmed on appeal, the administrative law judge concludes that Mr. Studer was overpaid \$454.00 in benefits for the two-week period of January 4, 2009 through January 17, 2009.

**DECISION:**

The Agency representative's April 21, 2009, reference 02, decision is affirmed. The claimant was overpaid \$454.00 in benefits for the two-week period of January 4, 2009 through January 17, 2009.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/kjw