

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICHOLE L SCHOCKEMOEHL**  
Claimant

**APPEAL NO. 12A-UI-10529-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/15/12**  
**Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated August 27, 2012, reference 03, that held she is overpaid benefits in the amount of \$1,712 for the four weeks ending August 11, 2012, due to a department decision she was discharged for misconduct from Bell Tower Retirement. A hearing was held on September 28, 2012. The claimant participated.

**ISSUE:**

The issue is whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds that: The department issued a decision dated August 21, 2012, reference 02, that disqualified the claimant and caused her to be overpaid \$1,712 in benefits. The decision has been reversed (Appeal No. 12A-UI-10528-ST).

**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 is not overpaid benefits in the amount of \$1,712, due to a department decision that has been reversed. The department issued a decision that caused the overpayment, but it has now been reversed in Appeal No. 12A-UI-10528-ST.

**DECISION:**

The representative's decision dated August 27, 2012, reference 03, is reversed. The claimant is not overpaid \$1,712 in benefits.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw