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

MIRIAM RINCON ALVAREZ
Claimant

APPEAL NO: 18A-UI-09268-JE-T

ADMINISTRATIVE LAW JUDGE
DECISION

IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT

OC: 07/29/18
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 28, 2018, reference 02, decision that determined she was overpaid benefits in the amount of $1,371.00 for the three weeks ending August 18, 2018. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 24, 2018. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

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 a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

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) (a) 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 $1,371.00 for the three weeks ending August 18, 2018, pursuant to Iowa Code section 96.3-7, as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The August 28, 2018, reference 02, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of $1,371.00 for the three weeks ending August 18, 2018.

_____
Julie Elder
Administrative Law Judge

_____
Decision Dated and Mailed

je/scn