

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LANY C MITCHELL**  
Claimant

**APPEAL 22A-UI-07282-AR-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 22, 2022, (reference 03) unemployment insurance decision that determined claimant was overpaid regular unemployment insurance benefits in the amount of \$6,592.44 for the 21-week period ending August 15, 2020. After due notice was issued, a telephone hearing was held on May 9, 2022, and was consolidated with the hearing for appeal numbers 22A-UI-07281-AR-T, 22A-UI-07283-AR-T, 22A-UI-07284-AR-T, and 22A-UI-07286-AR-T. The claimant, Lany C. Mitchell, participated personally. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**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 the disqualification decision that has been reversed. See 22A-UI-07281-AR-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

Iowa Code section 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 not been overpaid unemployment insurance benefits in the amount of \$6,592.44 pursuant to Iowa Code section 96.3(7) as the disqualification decision that created the overpayment decision has been reversed.

**DECISION:**

The March 22, 2022, (reference 03) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$6,592.44.



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Alexis D. Rowe  
Administrative Law Judge

May 27, 2022  
Decision Dated and Mailed

ar/kmj