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

MICHAEL J CAMPBELL
Claimant

APPEAL NO. 12A-UI-03626-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
   DEVELOPMENT DEPARTMENT**

**OC: 10/30/11
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Michael J. Campbell filed a timely appeal from an unemployment insurance decision dated April 2, 2012, reference 02, that ruled he had been overpaid Emergency Unemployment Compensation benefits totaling $1,200.00 for the three weeks ending March 24, 2012. After due notice was issued, a telephone hearing was held April 23, 2012 on a consolidated record with 12A-UI-03625-AT.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Michael J. Campbell received Emergency Unemployment Compensation benefits totaling $1,200.00 for the three weeks ending March 24, 2012. The fact-finding decision that ruled he was not eligible for those benefits has been affirmed by the administrative law judge decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid in error be repaid, even if the individual who received the benefits is not at fault for the overpayment.

Mr. Campbell received the benefits in question in good faith. Nevertheless, the evidence indicates that he should have been receiving state unemployment insurance benefits from Nebraska instead. Since the benefits were paid erroneously, they must be repaid. If Mr. Campbell will file a claim with Nebraska for the weeks in question, Nebraska will reimburse Iowa the amount of benefits it would have paid to Mr. Campbell. This will reduce or eliminate his overpayment. If his Nebraska weekly benefit amount is higher than his weekly benefit in Iowa, Nebraska will pay him the difference.

DECISION:

The unemployment insurance decision dated April 2, 2012, reference 02, is affirmed. The claimant has been overpaid Emergency Unemployment Compensation benefits totaling $1,200.00.

_____
Dan Anderson
Administrative Law Judge

_____
Decision Dated and Mailed

pjs/pjs