

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON P NILES
Claimant

APPEAL 19A-UI-00157-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/02/18
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 4, 2019, reference 02, that concluded he was overpaid \$2,256.00 in unemployment insurance benefits. A telephone hearing was held on January 23, 2019. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed for and received a total of \$2,256.00 in unemployment insurance benefits for the weeks between December 2, 2018 and December 29, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of the claimant/appellant in a decision of the administrative law judge in appeal 19A-UI-00156-NM-T, finding claimant was disqualified from receiving benefits for the two-week period ending December 15, 2018, but that benefits were allowed effective December 16, 2018.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been modified in his favor, with benefits being denied for the two-week period ending December 15, 2018, but allowed effective December 16, 2018, the claimant was not overpaid \$2,256.00 in unemployment insurance benefits, but was overpaid \$1,146 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 4, 2019, reference 02, is modified in favor of the appellant. The claimant was not overpaid \$2,256.00 in unemployment insurance benefits, but was overpaid \$1,146 in unemployment insurance benefits, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs