

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY C KLENSKE
Claimant

APPEAL NO. 12A-UI-03533-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/14/10
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Jeffrey C. Klenske filed a timely appeal from an unemployment insurance decision dated March 26, 2012, reference 04, that ruled he had been overpaid \$1,421.00 in benefits. After due notice was issued, a telephone hearing was held April 23, 2012, with Mr. Klenske participating. This matter is considered on a consolidated record with 12A-UI-03532-AT.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Jeffrey C. Klenske received emergency unemployment compensation benefits for the seven weeks ending December 31, 2011. He was not eligible to receive benefits during this time. As of the date of the hearing, the remaining balance of the overpayment was \$1,215.00.

REASONING AND CONCLUSIONS OF LAW:

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

The evidence in the record persuades the administrative law judge that Mr. Klenske was not at fault for his being paid emergency unemployment compensation benefits rather than state unemployment insurance benefits for the weeks in question. Nevertheless, Agency decision records show that Mr. Klenske was not eligible to receive benefits during the weeks in question. Therefore, the remaining balance of \$1,215.00 must be repaid.

DECISION:

The unemployment insurance decision dated March 26, 2012, reference 04, is affirmed. The claimant was overpaid \$1,421.00. The remaining balance is \$1,215.00.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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