

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SARA S BROWN

Claimant

APPEAL NO. 19A-UI-09929-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/27/19

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed the December 6, 2019 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$216.00 for the two-week period ending November 23, 2019, as a result of a disqualification decision.

A telephone hearing was held on January 28, 2020. The parties were properly notified of the hearing. The claimant participated personally. Mason City-Newman (employer) participated by Hearing Representative Paul Jahnke and School Lunch Director Julie Udelhofen.

A telephone hearing was originally set for January 9, 2020. At that time, claimant indicated she had impairments which made it difficult for her to participate in the hearing by herself and requested a continuance in order to find a representative to assist her. Employer did not resist the continuance. This administrative law judge granted the continuance on the record for those reasons. Claimant did not secure a representative prior to the continued hearing. However, claimant stated she was prepared to proceed with the hearing nonetheless.

The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid 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. See 19A-UI-09928-AD-T.

The unemployment insurance system shows claimant has received weekly benefits in the amount of \$108.00 for a total of two weeks, beginning the week of November 10, 2019 and continuing to November 23, 2019. The total amount of benefits paid to date is \$216.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the December 6, 2019 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$216.00 for the two-week period ending November 23, 2019 is AFFIRMED.

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 unemployment insurance system shows claimant has received weekly benefits in the amount of \$108.00 for a total of two weeks, beginning the week of November 10, 2019 and continuing to November 23, 2019. The total amount of benefits paid to date is \$216.00. Because this administrative law judge now finds claimant was not eligible for benefits, she has been overpaid benefits in the amount of \$216.00. Benefits shall be recovered. 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.

DECISION:

The December 6, 2019 (reference 02) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$216.00 for the two-week period ending November 23, 2019 is AFFIRMED.

Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

Decision Dated and Mailed

abd/scn