

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REBECCA A DEMUTH**  
Claimant

**APPEAL NO. 12A-EUCU-00060-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/19/09**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Rebecca A. DeMuth filed a timely appeal from an unemployment insurance decision dated February 3, 2012, reference 07, that ruled she had been overpaid emergency unemployment compensation benefits totaling \$1,132.00 for the four weeks ending November 5, 2011. After due notice was issued, a telephone hearing was held February 24, 2012 on a consolidated record with appeals 12A-EUCU-00033-AT, 12A-EUCU-00034-AT, 12A-EUCU-00059-AT and 12A-EUCU-00084-AT.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Rebecca A. DeMuth received emergency unemployment compensation benefits for the four weeks ending November 5, 2011. The fact-finding decision holding her ineligible for those benefits has been affirmed by the administrative law judge decision 12A-EUCU-00059-AT. Administrative Law Judge decision 11A-UI-16472-ET, affirmed by Employment Appeal Board decision 11B-UI-16472-ET has ruled that she was not eligible for benefits of any kind for those weeks.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 requires that benefits paid by the agency in error be repaid, even if the individual who received those benefits is not at fault for the overpayment. The administrative law judge finds from the evidence in the record that Ms. DeMuth received benefits for weeks she was not eligible to receive any. Therefore, they must be repaid.

**DECISION:**

The unemployment insurance decision dated February 3, 2012, reference 07, is affirmed. The claimant has been overpaid \$1,132.00 for the four weeks ending November 5, 2011.

---

Dan Anderson  
Administrative Law Judge

---

Decision Dated and Mailed

css/css