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

ROBERT R KOENEMAN
Claimant

APPEAL NO. 13A-UI-03185-LT

ADMINISTRATIVE LAW JUDGE DECISION

IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT

OC: 09/02/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 8, 2013 (reference 02) that concluded he was overpaid $4,356.00 in benefits. A telephone hearing was scheduled to be held on April 10, 2013. The claimant was properly notified about the hearing, responded to the hearing notice instructions but was not available at the number provided when the hearing was called and did not participate.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits effective September 2, 2012, based on the separation from employment from the City of Adair. The employer protested the claim and participated in the fact-finding interview. The claimant filed for and received a total of $4,356.00 in unemployment insurance benefits for the weeks between September 30 and December 15, 2012.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code section 96.3-7 provides:

> 7. Recovery of overpayment of benefits. 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.

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 administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of $4,356.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has become final.

DECISION:

The March 8, 2013 (reference 02) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of $4,356.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/tll