

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CYNTHIA A HARTSON**  
Claimant

**APPEAL 19A-UI-08444-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE**  
**DEVELOPMENT DEPARTMENT**

**OC: 08/25/19**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 16, 2019 (reference 03) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$2,000.00 for the four-week period between August 25, 2019 and September 21, 2019. A telephone hearing was scheduled to be held on November 20, 2019 at 8:00 a.m. Prior to the hearing, the disqualifying decision that resulted in the overpayment was reversed. Therefore, no testimony was necessary and no hearing was held. Official notice is taken of the administrative record.

**ISSUE:**

Whether claimant was overpaid benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received unemployment benefits in the gross amount of \$2,000.00 for the four-week period between August 25, 2019 and September 21, 2019. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits (and resulted in the overpayment) has been reversed (see 19A-UI-07850-JTT).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not overpaid 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.

Because claimant was able to and available for work, claimant was eligible to receive benefits in the amount of \$2,000.00 for the four-week period between August 25, 2019 and September 21, 2019. The administrative law judge concludes that the claimant was not overpaid unemployment benefits.

**DECISION:**

The October 16, 2019 (reference 03) unemployment insurance decision is reversed. Claimant was not overpaid benefits.

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Adrienne C. Williamson  
Administrative Law Judge  
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Decision Dated and Mailed

acw/scn