

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANA A VALLADARES**  
Claimant

**APPEAL 19R-UI-00029-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/05/18  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 9, 2018, (reference 06), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$485.00 for the week ending October 27, 2018. After due notice was issued, a telephone conference hearing was scheduled to be held on January 17, 2019. Claimant participated with the assistance of a Spanish interpreter from CTS Language Link.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$485.00 for the week ending October 27, 2018. The claimant was found overpaid benefits due to a reference 03 decision that denied benefits during the one week ending October 27, 2018. That decision was reversed in Appeal Number 19R-UI-00027-NM-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant has not been overpaid unemployment insurance 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.

b. (1) 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 § 96.8, subsection 5. .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$485.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been reversed.

**DECISION:**

The November 9, 2018, (reference 06) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$485.00.

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Nicole Merrill  
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Decision Dated and Mailed

nm/rvs