

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENE J BOLSINGER
Claimant

APPEAL NO. 13A-UI-09022-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/10/13
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated July 23, 2013, reference 02, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6,743.00 as a result of a disqualification decision. A telephone hearing was scheduled and held on September 10, 2013, pursuant to due notice. The claimant did participate.

The appellant provided a telephone number to the Appeals Section. That number was dialed at 10:30 a.m. and the only response was a voice mail. A message was left indicating the hearing would proceed without the appellant's participation unless she contacted the Appeals Section prior to the close of the record. By the time the record was closed at 10:45 a.m. the appellant had not responded to the message and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant is overpaid in unemployment benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

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) 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 is overpaid unemployment insurance benefits in the amount of \$6,743.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The decision of the representative dated July 23, 2013, reference 02, is affirmed. The claimant is overpaid unemployment insurance benefits in the amount of \$6,743.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css