

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LADD L MUZZY
Claimant

APPEAL 19A-UI-07932-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/28/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant/appellant filed an appeal from the October 11, 2019 (reference 09) unemployment insurance decision that found claimant was overpaid benefits. The hearing was previously scheduled in this matter for October 29, 2019. The hearing was rescheduled on the administrative law judge's motion. The parties were properly notified of the hearing. A telephone hearing was held on November 8, 2019, at 8:05 a.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record. No additional testimony or evidence was admitted into the 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 \$9,700.00 for benefit weeks ending April 28, 2019 through September 14, 2019. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits because he voluntarily quit Walmart, Inc. without good cause attributable to employer has been affirmed (see 19BUI-04604). The unemployment insurance decision that found claimant has not requalified for benefits has been affirmed (see 19A-UI-07860-AW-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was overpaid benefits which must be repaid.

Iowa Code section 96.3.(7) states:

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's separation was disqualifying and claimant has not requalified, benefits were paid to which claimant was not entitled. The administrative law judge concludes that the claimant has been overpaid unemployment benefits in the amount of \$9,700.00 for benefit weeks ending April 28, 2019 through September 14, 2019. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The October 11, 2019 (reference 09) unemployment insurance decision is affirmed. Claimant was overpaid benefits in the amount of \$9,700.00 for benefit weeks ending April 28, 2019 through September 14, 2019, which must be repaid.

Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

acw/scn