

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

NICHOLAS A EBERHARDT
Claimant

APPEAL NO: 19A-UI-01743-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/11/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 18, 2019, (reference 06) unemployment insurance decision that concluded he was overpaid \$222.00 in unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was held on March 15, 2019. The hearing was held as a consolidated hearing with Appeal 19A-UI-01742-JC-T and Appeal 19A-UI-01741-JC-T. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibits A-B were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of November 11, 2018. The claimant filed for and received a total of \$222.00 in unemployment insurance benefits for the week between January 13, 2019 and January 19, 2019.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 19A-UI-01741-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$222.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 18, 2019, (reference 06), is affirmed. The claimant was overpaid benefits in the amount of \$222.00 and must repay the benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn