

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>DUSTY D NYONEE</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO. 08A-UI-00962-MT</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 12/23/07 R: 02</b> <b>Claimant: Appellant (1)</b></div>
---	---

Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Claimant appealed a representative's decision dated January 23, 2008, reference 06, that concluded claimant was overpaid unemployment insurance benefits in the amount of \$567.00 as a result of a disqualification decision. A telephone hearing was scheduled and held on February 12, 2008, pursuant to due notice. Claimant did participate.

**ISSUE:**

The issue is whether claimant is overpaid unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a cancellation of the claim. Claimant has a previously filed claim in the state of Indiana. Claimant must make his weekly claims for unemployment through Indiana. Claimant cannot have a claim on file in two states. Claimant must re-activate in Indiana and make his weekly claims through Indiana.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 claimant is overpaid unemployment insurance benefits in the amount of \$567.00 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 January 23, 2008, reference 06, is affirmed. Claimant is overpaid unemployment insurance benefits in the amount of \$567.00. Claimant must make his claims for unemployment through the state of Indiana.

---

Marlon Mormann  
Administrative Law Judge

---

Decision Dated and Mailed

mdm/kjw