

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAWN R FULTON**  
Claimant

**APPEAL NO. 12A-UI-01439-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IA DEPT OF CORRECTIONS/FT MADISON**  
Employer

**OC: 01-17-10**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the February 6, 2012 (reference 01), decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$7,057.00 for the 18-week period July 3 2010 as a result of the receipt of back pay from the employer. A hearing was held on March 5, 2012, pursuant to due notice. The claimant participated.

**ISSUE:**

The issue is whether claimant was overpaid benefits due to receipt of back pay.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by receipt of back pay from the employer. Claimant claimed and received unemployment insurance benefits in the amount of \$7,057.00 from February 28, 2010 through July 3, 2010. She received back pay applicable to the period from January 20, 2010 through June 25, 2010. As of the hearing date, the administrative record reflected only a portion of the benefits had been paid back.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 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 the claimant has been overpaid unemployment insurance benefits in the amount of \$7,057.00 pursuant to Iowa Code § 96.3(7) because of the receipt of back pay. As of the hearing date, claimant had an outstanding balance still due to the agency.

**DECISION:**

The February 6, 2012 (reference 01) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$7,057.00.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw