

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TODD K MUMM
Claimant

APPEAL 17A-UI-02666-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPT**

**OC: 01/03/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 1, 2017 (reference 03) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$862.00 for two weeks between December 11, 2016 and December 24, 2016. The claimant was properly notified of the hearing. A telephone hearing was held on March 31, 2017. The claimant, Todd K. Mumm, participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$862.00 for two weeks between December 11, 2016 and December 24, 2016. The overpayment issue in this case was created by a decision that found claimant incorrectly reported severance pay from OMG Midwest Inc., which has been reversed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 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 § 96.8, subsection 5.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$862.00 pursuant to Iowa Code § 96.3(7) as the decision that created the overpayment decision has been reversed.

DECISION:

The March 1, 2017 (reference 03) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$862.00.

Dawn R. Boucher
Administrative Law Judge

Decision Dated and Mailed

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