

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DOUGLAS D NORRIS
Claimant

APPEAL 18A-UI-10289-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/15/18
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Douglas D. Norris (claimant) appealed an unemployment insurance decision dated October 12, 2018, reference 05, that concluded he was overpaid \$467.00 in unemployment insurance benefits. A telephone hearing was scheduled for October 29, 2018. Proper notice of the hearing was given to the claimant. However, no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 15, 2018. The claimant filed for and received a total of \$467.00 in unemployment insurance benefits for the week ending September 15, 2018. The unemployment insurance decision mailed October 5, 2018, reference 03, that disqualified the claimant from receiving unemployment insurance benefits was reversed by the agency in an unemployment insurance decision mailed October 15, 2018, reference 06 and found the claimant was qualified to receive benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant was reversed by subsequent agency action, the claimant was not overpaid \$467.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 12, 2018, reference 05, is reversed. The claimant was not overpaid \$467.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn