

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BERNICE THOMPSON**  
Claimant

**APPEAL NO. 10A-EUCU-00092-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 05/04/08  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated January 27, 2010, reference 06, that held she is overpaid benefits \$1,362. A telephone hearing was scheduled for March 29, 2010. The claimant did not participate.

**ISSUE:**

Whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The claimant filed a regular unemployment insurance claim effective May 3, 2009. Her weekly benefit amount is \$196 and her maximum benefit amount is \$3,208.96. The claimant filed claims for the three weeks ending May 23, 2009, and her benefits were applied to offset an outstanding overpayment. The claimant filed a claim for the week ending May 30, and she received a partial benefit for this week in the amount of \$113. Due to the offset procedure, the current department record shows a remaining overpayment balance of \$661.

The claimant failed to respond to the hearing notice.

**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 the claimant is overpaid benefits \$1,362.

The department decision that claimant is not an "exhaustee" disqualified her from receiving extended benefits, which caused the overpayment in this matter. This decision has been affirmed (10A-EUCU-00091-ST).

**DECISION:**

The department representative's decision dated January 27, 2010, reference 06, is affirmed. The claimant is overpaid benefits \$1,362, which has been reduced by offset procedure to \$661.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw