

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEVIN G ALSTON
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 19A-UI-03518-SC

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/24/19
Claimant: Appellant (3)

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

STATEMENT OF THE CASE:

On April 29, 2019, Kevin G. Alston (claimant) appealed an unemployment insurance decision dated April 29, 2019, reference 04, that concluded he was overpaid \$258.00 in unemployment insurance benefits for the week ending April 6, 2019. After due notice was issued, a hearing was held in Des Moines, Iowa at 1:15 p.m. on May 15, 2019 and was consolidated with the hearings for appeals 19A-UI-03515-SC, 19A-UI-03516-SC, and 19A-UI-03517-SC. The claimant participated. The Claimant's Exhibit A was admitted into the record.

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 March 24, 2019. The claimant filed for and received \$627.00 in unemployment insurance benefits for the two-week period beginning March 31, 2019 through the week ending April 13, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in a decision of the administrative law judge in appeal 19A-UI-03515-SC. As a result of that decision, the claimant is denied benefits effective March 31, 2019 through the week ending April 27, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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 has been modified but still found him ineligible for benefits, the claimant was overpaid \$627.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated April 29, 2019, reference 04, is modified in favor of the respondent. The claimant was overpaid \$627.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn