

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRA K ANDERSON**  
Claimant

**APPEAL NO. 07A-UI-08235-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/20/07 R: 02**  
**Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Debra Anderson filed a timely appeal from the August 27, 2007, reference 02, decision that she was overpaid benefits of \$4,083.00. After due notice was issued, a hearing was commenced on September 12, 2007 and concluded on September 26, 2007. Ms. Anderson participated on both dates. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing in Appeal Number 07A-UI-08234-JTT and that administrative law judge hereby takes official notice of the decision entered in that matter.

**ISSUE:**

Whether the claimant was overpaid \$4,083.00 for 13 weeks between May 20, 2007 and August 18, 2007.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Anderson established a claim for benefits that was effective May 20, 2007 and received benefits totaling \$4,083.00 for 13 weeks between May 20, 2007 and August 18, 2007. The overpayment issue in this case was created by a disqualification decision that has now been affirmed. See Appeal Number 07A-UI-08234-JTT.

**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.

Because the disqualification decision upon which the overpayment decision was based has been affirmed on appeal, the administrative law judge concludes that that the claimant was overpaid \$4,083.00 for 13 weeks between May 20, 2007 and August 18, 2007.

**DECISION:**

The August 27, 2007, reference 02 overpayment decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$4,083.00.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css