

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TENOFUS LEWI
Claimant

APPEAL 17A-UI-12132-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/17/17
Claimant: Appellant (3)

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

STATEMENT OF THE CASE:

Tenofus Lewi (claimant/appellant) filed an appeal from the November 22, 2017, reference 02, unemployment insurance decision that found he was overpaid benefits because he was not able to work effective October 22, 2017 as he was under the care of a physician. The parties were properly notified about the hearing. A telephone hearing began on December 14, 2017 and concluded on December 20, 2017. The claimant participated. Den Hartog Industries, Inc. (employer) participated through Director of Human Resources Chris Carda. Chuukese interpretation was provided by Nas (employee number 11517) from CTS Language Link. The Claimant's Exhibit A was received. Official notice was taken of the administrative record, specifically the claimant's database readout (DBRO).

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 September 17, 2017. The claimant filed for and received a total of \$3,884.00 in unemployment insurance benefits for the eight weeks between September 17, 2017 and November 11, 2017.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of the respondent in a decision of the administrative law judge in appeal 17A-UI-12131-SC-T. The initial disqualifying decision found the claimant was not available for work effective October 22, 2017 and his overpayment was calculated for the three-week period beginning October 22, 2017 through November 11, 2017. However, the disqualifying decision was modified by the administrative law judge who concluded he was not available for work effective September 17, 2017.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was 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 has been modified, the claimant was overpaid \$3,884.00 in unemployment insurance benefits for the eight-week period beginning September 17, 2017 through November 11, 2017.

DECISION:

The unemployment insurance decision dated November 22, 2017, reference 02, is modified in favor of the respondent. The claimant was overpaid \$3,884.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn