

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH L LEEDOM**  
Claimant

**APPEAL NO. 12A-UI-11848-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/11/11  
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated September 28, 2012, reference 04, that held she was overpaid benefits in the amount of \$440 for the five weeks ending September 15, 2012, due her discharge from Team Staffing Solutions. A hearing was held on October 29, 2012. The claimant participated.

**ISSUE:**

The issue is whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the witness testimony and having considered the evidence in the record finds that: The department issued a decision dated September 21, 2012, reference 03, that disqualified the claimant for her misconduct discharge employment separation from Team Staffing Solutions on August 9, 2012, which caused her to be overpaid \$440. The decision has been reversed (See Appeal No. 12A-UI-11847-ST).

**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 that the claimant is not overpaid benefits in the amount of \$440 due to a department decision that has been reversed. The department issued a decision that initially caused the overpayment and that decision has been reversed in Appeal No. 12A-UI-11847-ST.

**DECISION:**

The representative's decision dated September 28, 2012, reference 04, is reversed. The claimant is not overpaid benefits in the amount of \$440.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw