

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER L KENT
Claimant

APPEAL 18A-UI-00175-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/17/17
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 4, 2018, (reference 03), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$369.00 for the one week ending December 16, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on January 29, 2018. Claimant participated.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$369.00 for the one week ending December 16, 2017. The claimant was found overpaid benefits due to a reference 01 decision that denied benefits during the one week ending December 16, 2017. That decision was reversed in Appeal Number 18A-UI-00173-CL-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not been 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.

b. (1) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$369.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been reversed.

DECISION:

The January 4, 2018, (reference 03) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$369.00.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn