

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE M WHITE
Claimant

APPEAL NO. 07A-UI-08078-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

**OC: 06/24/07 R: 02
Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Jamie White filed a timely appeal from the August 15, 2007, reference 04, decision that concluded she had been overpaid unemployment insurance benefits in the amount of \$776.00 as a result of a disqualification decision. After due notice was issued, a hearing was held on September 10, 2007. Ms. White participated. The administrative law judge took official notice of the Agency's record of benefits paid to the claimant. The hearing in this matter was consolidated with the hearing in appeal number 07A-UI-08077-JTT, and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant is overpaid \$776.00.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits that was effective June 24, 2007 and received benefits totaling \$776.00. The overpayment issue in this case was created by a disqualification decision that has now been affirmed. See Appeal Number 07A-UI-08077-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 decision that prompted the overpayment decision has been affirmed on appeal, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$776.00.

DECISION:

The August 15, 2007, reference 04, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$776.00.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw