

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDON J LASH
Claimant

APPEAL 15A-UI-05870-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/01/15
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed the May 18, 2015, (reference 03) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$988.00 for the four-week period between April 12, 2015 and May 9, 2015, as a result of a disqualification decision. A telephone hearing was scheduled and held on June 26, 2015, pursuant to due notice. The claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the May 15, 2015 disqualification decision that was reversed in favor of the appellant. No evidence was presented to justify the overpayment decision.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant was not overpaid 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 section 96.8, subsection 5. . . .

The claimant was not overpaid unemployment insurance benefits in the amount of \$988.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision was reversed in favor of the appellant.

DECISION:

The May 18, 2015, (reference 03) unemployment insurance decision is reversed. The claimant was not overpaid unemployment insurance benefits in the amount of \$988.00.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/pjs