

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA J SCHELICH
Claimant

APPEAL NO. 07A-UI-07538-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/24/07 R: 04
Claimant: Appellant (4-R)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

The claimant appeal a representative's decision dated July 25, 2007, reference 02, that concluded the claimant had been overpaid unemployment insurance benefits in the amount of \$572.00 as a result of a disqualification decision. A telephone hearing was scheduled for and held on August 22, 2007, pursuant to due notice. The claimant participated.

ISSUE:

At issue in this matter is whether the claimant has been overpaid job insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having considered all the evidence in the records, finds: The overpayment issue in this case was created by a disqualification decision that has now been remanded (see Appeal Number 07A-UI-07537-NT).

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 has not been overpaid unemployment insurance benefits in the amount of \$572.00 pursuant to Iowa Code section 96.3-7, as the disqualification decision that created the overpayment decision has now been remanded (see Appeal Number 07A-UI-07537-NT). The overpayment amount in this case is remanded to Iowa Workforce Development for the issuance for a new appealable determination based upon any disqualification determination to be issued by Iowa Workforce Development in Appeal Number 07A-UI-07537-NT.

DECISION:

The representative's decision dated July 25, 2007, reference 02, is hereby remanded. The matter is remanded for review and the issuance of an appealable determination based upon determination issued by Iowa Workforce Development in Appeal Number 07A-UI-07537-NT.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/css