

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SHAWN M BALAGNA**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 18A-UI-01300-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/14/17**  
**Claimant: Appellant (2)**

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

Iowa Admin Code chapter 25- Benefit payment control

**STATEMENT OF THE CASE:**

The claimant/appellant, Shawn M. Balagna, filed an appeal from the January 16, 2018, (reference 05) unemployment insurance decision that concluded he was overpaid benefits. A first hearing was scheduled with administrative law judge, Duane Golden, on February 21, 2018. The hearing was continued by the Agency to allow Workforce Program Coordinator, Mary Piagentini, an opportunity to participate.

The parties were properly notified about the second hearing. A telephone hearing was held on March 22, 2018. The claimant participated personally and through Matt Denning, attorney at law. Workforce Program Coordinator, Mary Piagentini, also participated. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of May 14, 2017. The claimant filed for and received a total of \$9,416.00 in unemployment insurance benefits for the weeks between June 25, 2017 and November 25, 2017.

As a result of the claimant's separation with employer, Union Tank Car Company, he was disqualified from benefits. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has now been reversed in a decision of the administrative law judge in appeal 18A-UI-01299-JC-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

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 division of job service 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 division a sum equal to the overpayment.

Since the decision disqualifying the claimant has been reversed, the administrative law judge concludes the claimant was not overpaid \$9,416.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated January 16, 2018, (reference 05), is reversed. The claimant was not overpaid benefits in the amount of \$9,416.00.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn