

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN HENNING**  
Claimant

**APPEAL NO. 07-UI-07672-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/24/06 R: 01  
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

John Henning (claimant) appealed an unemployment insurance decision dated July 31, 2007, reference 07, which held that he was overpaid unemployment insurance benefits in the amount of \$715.34 as a result of a monetary redetermination. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on August 27, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant was overpaid \$715.34 in unemployment insurance benefits for the five-week period ending April 28, 2007?

**FINDINGS OF FACT:**

The administrative law judge, having heard and considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a monetary redetermination decision that lowered the claimant's maximum weekly benefit amount. The claimant received benefits over that amount.

**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 been overpaid unemployment insurance benefits in the amount of \$715.34 pursuant to Iowa Code section 96.3-7. Due to the monetary redetermination, benefits were paid to the claimant to which he was not entitled. Those benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The unemployment insurance decision dated July 31, 2007, reference 07, is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of \$715.34.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw