

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TROY W MEDLANG
Claimant

APPEAL 17A-UI-11763-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/10/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Troy W. Medlang (claimant) appealed an unemployment insurance decision dated November 8, 2017, reference 07, which concluded he was overpaid \$455.00 in unemployment insurance benefits. No hearing was scheduled or held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 10, 2017. The claimant filed for and received a total of \$455.00 in unemployment insurance benefits for the one-week ending October 21, 2017. The unemployment insurance decision dated November 3, 2017, reference 02, disqualified the claimant from receiving benefits for that week as he was not able to and available for work. On November 6, 2017, the agency issued an unemployment insurance decision, reference 05, reversing the initial decision and allowing benefits for that week as the claimant was able to and available for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge finds the claimant has not been overpaid unemployment insurance 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.

Since the decision disqualifying the claimant has been reversed by subsequent agency action, the claimant was not overpaid \$455.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated November 8, 2017, reference 07, is reversed. The claimant was not overpaid \$455.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn