

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDALL L FITCH
Claimant

APPEAL 17A-UI-04825-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/26/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 4, 2017, (reference 08) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$904.00 as a result of a decision regarding the deductibility of pension payments. The parties were properly notified of the hearing. A telephone hearing was held on May 15, 2017. The claimant participated.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 26, 2017. The claimant filed for and received a total of \$1,396.00 in unemployment insurance benefits for the weeks between March 26, 2017 and May 13, 2017.

The unemployment insurance decision that found claimant was receiving pension benefits that were deductible from his total weekly unemployment insurance benefit amount has been affirmed in a decision of the administrative law judge in appeal 17A-UI-04459-NM-T. For the weeks between April 2, 2017 and April 29, 2017, claimant received \$904.00 in pension benefits that were not deducted from his weekly unemployment insurance benefits for those weeks.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was 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 affirmed, the claimant was overpaid \$904.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated May 4, 2017 (reference 08), is affirmed. The claimant was overpaid \$904.00 in unemployment insurance benefits, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/scn