

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTHONEY J GRIES
Claimant

APPEAL NO. 18A-UI-09206-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 01/07/18
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Anthony J. Gries, the claimant, filed a timely appeal from a representative's unemployment insurance decision dated August 27, 2018, reference 05, which held the claimant was overpaid unemployment insurance benefits in the amount of \$644.00 for four weeks between January 7, 2018 and February 3, 2018, as a result of a disqualification decision. After due notice was provided, a telephone conference hearing was held on September 21, 2018. Claimant participated.

ISSUE:

The issue is whether Anthony J. Gries has been overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a disqualification decision that has now been reversed. (See Appeal No. 18A-UI-09205-TN-T)

REASONING AND CONCLUSIONS OF LAW:

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.

b. (1) (a) 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 overpayment in this case was created by a disqualification decision that has now been reversed. Because the disqualification decision has been reversed, the claimant has not been overpaid unemployment insurance benefits in the amount of \$644.00, and is not liable to repay this amount.

DECISION:

The decision of the representative dated August 27, 2018, reference 05, is reversed. Claimant has not been overpaid unemployment insurance benefits in the amount of \$644.00 and is not liable to repay that amount.

Terry Nice
Administrative Law Judge

Decision Dated and Mailed

tn/scn