

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEMONTAE J CLARK**  
Claimant

**APPEAL 18A-UI-11871-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/09/18  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the December 4, 2018, (reference 06) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$419.00 for the one-week period ending November 17, 2018, as a result of a decision finding claimant ineligible for benefits. A telephone hearing was scheduled and held on December 26, 2018, pursuant to due notice. The claimant participated.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received unemployment insurance benefits in the amount of \$419.00 for the one week ending November 17, 2018. The agency issued a reference 03 decision finding claimant ineligible for benefits that week. Claimant filed an appeal. In Appeal Number 18A-UI-11868-CL-T, an administrative law judge reversed the decision and determined claimant was eligible for benefits during the week ending November 17, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has not been overpaid 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.

b. (1) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$419.00 pursuant to Iowa Code § 96.3(7) as the claimant was eligible to receive benefits during the one week ending November 17, 2018.

**DECISION:**

The December 4, 2018, (reference 06) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$419.00.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

cal/rvs