

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODERICK A DEAL**  
Claimant

**APPEAL NO: 07A-UI-05491-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/15/07 R: 01  
Claimant: Appellant (1)**

Section 96.3-7 - Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Roderick A. Deal (claimant) appealed a representative's May 16, 2007 decision (reference 03) that concluded he had been overpaid unemployment insurance benefits. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on June 22, 2007. This appeal was consolidated for hearing with one related appeal, 07A-UI-05490-DT. The claimant indicated on June 6, 2007 to the administrative law judge that he would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, he was not available; therefore, he did not participate in the hearing. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant is overpaid unemployment insurance benefits of \$601.00.

**FINDINGS OF FACT:**

A representative issued a decision dated May 16, 2007 (reference 02) that concluded the claimant was disqualified from receiving benefits for the two weeks ending April 28, 2007 due to the receipt of vacation pay from G-P Gypsum Corporation (employer). The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 07A-UI-05490-DT, that disqualification decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective April 15, 2007. The claimant received unemployment insurance benefits for the two weeks ending April 21 and April 28, 2007 in the amount of \$601.00.

**REASONING AND CONCLUSIONS OF LAW:**

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

Iowa Code § 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 decision causing the disqualification has now been affirmed. The administrative law judge concludes that the claimant is overpaid benefits of \$601.00 pursuant to Iowa Code § 96.3-7 due to the disqualification decision issued on May 16, 2007 (reference 02) which has now been affirmed. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's May 16, 2007 decision (reference 03) is affirmed. The claimant is overpaid benefits of \$601.00.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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