

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIUS M DUDLEY
Claimant

APPEAL NO. 07A-UI-06386-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/13/07 R: 02
Claimant: Appellant (1-R)

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Julius Dudley filed a timely appeal from the May 13, 2007, reference 02, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$1,640.00 as a result of a disqualification decision. After due notice was issued, a hearing was commenced on July 12, 2007 and concluded on July 20, 2007. Mr. Dudley participated in the hearing. The administrative law judge took official notice of the Agency's record of benefits disbursed tot he claimant. The hearing in this matter was consolidated with the hearing in appeal number 07A-UI-06385-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant was overpaid \$1,640.00 for the four-week period ending June 9, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Julius Dudley established a claim for benefits that was effective May 13, 2007 and received benefits totaling \$1,640.00 for a four-week period that ended June 9, 2007. The overpayment issue in this case was created by a disqualification decision that has now been affirmed because Mr. Dudley has not been able to work and available for work since establishing his claim for benefits. See appeal number 07A-UI-06385-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$1,640.00 pursuant to Iowa Code section 96.3(7) as the disqualification decision that created the overpayment decision has now been affirmed.

The Agency's records of benefits disbursed to Mr. Dudley suggest that Mr. Dudley may have received additional benefits for which he was not eligible. This matter will be remanded to a claims representative for determination of whether there was additional overpayment of benefits and for entry of any appropriate decision consistent with the decision in this matter and in appeal number 07A-UI-06385-JTT.

DECISION:

The May 13, 2007, reference 02, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,640.00. This matter will be remanded to a claims representative for determination of whether there was additional overpayment of benefits and for entry of any appropriate decision consistent with the decision in this matter and in appeal number 07A-UI-06385-JTT.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs