

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REX T ROMINGER
Claimant

APPEAL 17A-UI-09486-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/03/16
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 12, 2017, (reference 07) that concluded she was overpaid \$460.00 in unemployment insurance benefits. (Note: The decision was applied to the claimant's prior benefit year with an original claim date of July 3, 2016, and not his current benefit year.) A telephone hearing was held on October 10, 2017. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. The administrative law judge took official notice of the administrative records including the fact-finding documents and Appeal 17A-UI-08547-DL-T. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of July 3, 2016. The claimant filed a claim for unemployment insurance benefits for a second year with an effective date of July 23, 2017. The claimant filed for and received a total of \$460.00 in unemployment insurance benefits for the weeks between June 4, 2017 and July 1, 2017.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 17A-UI-09484-JC-T.

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 \$460 in unemployment insurance benefits.

DECISION:

The September 12, 2017, (reference 07) decision is affirmed. The claimant was overpaid benefits in the amount of \$460.00. He is required to repay the benefits, if not already recovered by the Agency.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn