

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL J BRANIGAN**  
Claimant

**APPEAL NO. 10A-EUCU-00982-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/15/08**  
**Claimant: Appellant (5)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Michael J. Branigan filed a timely appeal from an unemployment insurance decision dated October 15, 2010, reference 02, that ruled he had been overpaid emergency unemployment compensation in the gross amount of \$1,302.00 for the six weeks ending July 24, 2010 because of an earlier fact-finding decision holding him ineligible for emergency unemployment compensation effective June 13, 2010. After due notice was issued, a telephone hearing was held November 27, 2010 with Mr. Branigan participating. This matter is considered on a consolidated record with 10A-EUCU-00981-AT. The administrative law judge takes official notice of Agency benefit payment records and overpayment records.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Michael J. Branigan received emergency unemployment compensation in the gross amount of \$1,302.00 for the six weeks ending July 24, 2010. The decision holding him ineligible for emergency unemployment compensation effective June 13, 2010 has been affirmed by the administrative law judge's decision in the companion case. The Agency has re-entered the six weeks ending July 24, 2010 on Mr. Branigan's state unemployment insurance claim. Benefits that would have been paid to him were used to reduce his overpayment of federal emergency unemployment compensation. As of the date of this hearing, the remaining balance of the overpayment is \$390.00.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 requires that benefits paid by the Agency in error be repaid, even if the individual who received the erroneous benefits is not at fault for the overpayment. It is clear from the record in this case that Mr. Branigan is not at fault for his overpayment. The Agency failed to switch him from an emergency unemployment compensation claim to a regular state

unemployment insurance claim effective June 13, 2010. The Agency has assisted in reducing the overpayment by reimbursing the federal government through the state benefits Mr. Branigan should have been receiving beginning June 13, 2010. Nevertheless, as of the date of this hearing, there was a remaining balance of \$390.00. The law requires that the benefits be repaid.

**DECISION:**

The unemployment insurance decision dated October 15, 2010, reference 02, is modified. The claimant was overpaid emergency unemployment compensation in the gross amount of \$1,302.00 for the six weeks ending July 24, 2010. The remaining balance of the overpayment stood at \$390.00 as of the date of this hearing.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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