

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOELLE S SAMO
Claimant

APPEAL 18A-UI-10686-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/16/18
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 18, 2018, (reference 08) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$832.00 as a result of a disqualification decision. The claimant was properly notified of the hearing. A telephone hearing was held on November 13, 2018. The claimant participated with the assistance of a French interpreter from CTS Language Link.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of September 16, 2018. The claimant filed for and received a total of \$832.00 in unemployment insurance benefits for the weeks between September 16, 2018 and September 29, 2018.

An October 16, 2018 (reference code 07) unemployment insurance decision disqualified claimant from receiving benefits for the two weeks ending September 29, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of the claimant in a decision of the administrative law judge in appeal 18A-UI-10685-NM-T. That decision held claimant was eligible for benefits the week ending September 22, 2018, but not the week ending September 29, 2018. Claimant received \$416.00 in benefits for the week ending September 29, 2018.

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 modified in her favor, the claimant was only overpaid \$416.00 in unemployment insurance benefits for the week ending September 29, 2018, but was not overpaid \$416.00 in benefits for the week ending September 22, 2018.

DECISION:

The unemployment insurance decision dated October 18, 2018 (reference 08), is modified in favor of the appellant. The claimant was not overpaid \$416.00 in unemployment insurance benefits for the week ending September 22, 2018. The claimant was overpaid \$416.00 in unemployment insurance benefits for the week ending September 29, 2018, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs