

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWN M KEETER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 19A-UI-08624-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/15/19
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Shawn M. Keeter, filed an appeal from the October 22, 2019 (reference 09) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of \$1,474.00. The parties were properly notified about the hearing. A telephone hearing was held on November 25, 2019. The hearing was held jointly with Appeal 19A-UI-08623-JC-T. The claimant participated. The administrative law judge took official notice of the administrative records. Department Exhibit D-1 was admitted. 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 new claim for unemployment insurance benefits with an effective date of September 15, 2019. The claimant filed for and received a total of \$1,474.00 in unemployment insurance benefits for the weeks between September 15, 2019 and October 5, 2019. For the week ending September 21, 2019, the claimant was paid \$438.00. For the weeks ending September 28, 2019 and October 5, 2019, the claimant was paid \$518.00 each week.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in a decision of the administrative law judge in appeal 19A-UI-08623-JC-T. That decision allowed benefits for the weeks ending September 21 and September 28, 2019. The claimant was then disqualified from benefits effective September 29, 2019.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 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, the overpayment in question is also modified. The claimant was allowed benefits for the weeks ending September 21 and 28, 2019, and therefore there is no overpayment for those two weeks. The claimant is disqualified for benefits effective September 29, 2019, and therefore, he was overpaid \$518.00 in unemployment insurance benefits.

The overpayment is reduced to \$518.00 and subject to recovery.

DECISION:

The unemployment insurance decision dated October 22, 2019, (reference 09), is modified in favor of the claimant/appellant. The claimant was overpaid \$518.00 in unemployment insurance benefits, which must be repaid.

Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

Decision Dated and Mailed

jlb/scn