

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

INDIA M SMITH
Claimant

APPEAL NO. 13A-UI-11165-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/04/13
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated September 30, 2013, reference 05, that held she is overpaid benefits \$325 for the five weeks ending September 7, 2013 due to a department September 12, 2013 decision that disqualified her. A hearing was held on October 24, 2013. The claimant participated.

ISSUE:

The issue is whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: Claimant filed a UI claim effective August 4, 2013. She claimed for and received benefits during a five-week period ending September 7 totaling \$325. The department issued a decision dated September 12, 2013 reference 04 that disqualified the claimant and caused her to be overpaid the benefits she had received. The decision has been affirmed (#13A-UI-11164-ST).

REASONING AND CONCLUSIONS OF LAW:

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.

b. (1) 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 is overpaid benefits \$325 due to a department September 12, 2013 decision that has been affirmed. The department issued a decision held claimant was discharged for misconduct on August 6 and that decision has been affirmed in Appeal #13A-UI-11164-ST.

DECISION:

The decision of the representative dated September 30, 2013, reference 05, is affirmed. The claimant is overpaid benefits \$325.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs