

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARY E SALOW
Claimant

ROCKWEL COLLINS INC
Employer

APPEAL 17A-UI-07478-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/27/16
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 18, 2017, reference 03, that concluded she was overpaid \$447.00 in unemployment insurance benefits. A telephone hearing was held on August 10, 2017. Proper notice of the hearing was given to the parties. The claimant participated in the hearing. Kelly Salow, husband of the claimant, also testified. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. 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 November 27, 2016. The claimant filed for and received a total of \$447.00 in unemployment insurance benefits for the one week ending June 24, 2017, after a temporary layoff.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 17A-UI-07477-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 reversed, the claimant was not overpaid \$447.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated July 18, 2017, reference 03, is reversed. The claimant was not overpaid \$447.00 in unemployment insurance benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn