

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TROY C EBERT**  
Claimant

**APPEAL 21A-UI-09356-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Troy C Ebert, the claimant/appellant, filed an appeal from the March 23, 2021, (reference 02) unemployment insurance decision that concluded he was overpaid REGULAR unemployment insurance (UI) benefits in the amount of \$9,324.00. Mr. Ebert was properly notified of the hearing. A telephone hearing was held on June 17, 2021. Mr. Ebert participated and testified. Official notice was taken of the administrative record.

**ISSUES:**

Has Mr. Ebert been overpaid REGULAR UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Ebert received REGULAR UI benefits in the amount of \$9,324.00 for the 18 weeks between March 15, 2020 and July 18, 2020.

On August 5, 2020, Iowa Workforce Development issued a reference 01 decision finding Mr. Ebert not eligible for REGULAR UI benefits. Mr. Ebert appealed. The administrative law judge's decision in Appeal 21A-UI-09355-DZ-T affirmed the reference 01 decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Ebert was overpaid REGULAR UI 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.

b. (1) (a) 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.

Mr. Ebert has been overpaid REGULAR UI benefits in the amount of \$9,324.00 for the 18 weeks between March 15, 2020 and July 18, 2020, since he was not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the administrative law judge's decision in Appeal 21A-UI-09355-DZ-T.

**DECISION:**

The March 23, 2021, (reference 02) unemployment insurance decision is affirmed. Mr. Ebert has been overpaid REGULAR UI benefits in the amount of \$9,324.00, which must be repaid.



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Daniel Zeno  
Administrative Law Judge  
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June 30, 2021  
Decision Dated and Mailed

dz/scn