

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONDA L HAYNES
Claimant

APPEAL NO. 07A-UI-06199-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/03/07 R: 12
Claimant: Appellant (2)**

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Tonda Haynes filed a timely appeal from the June 15, 2007, reference 03, decision that concluded she had been overpaid unemployment insurance benefits in the amount of \$95.00 as a result of a decision that disqualified her for benefits during a second benefit year. A hearing was scheduled for July 9, 2007 and the claimant was properly notified. The claimant provided a telephone number for the hearing, but was not available at that number at the scheduled start of the hearing. However, a hearing is not necessary. The administrative law judge enters the present decision based on the contents of the administrative file.

ISSUE:

Whether the June 15, 2007, reference 03, decision that the claimant was overpaid \$95.00 for the one-week period ending June 9, 2007 should be affirmed or reversed.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: An Agency representative entered a June 15, 2007, reference 03, decision that the claimant was overpaid \$95.00 for the one-week period ending June 9, 2007. The reference 03 decision was based on the conclusion that the claimant did not meet the minimum income requirements to be eligible for benefits during a second benefit year. On June 19, 2007, an Agency representative entered a reference 04 decision that claimant did meet the minimum income requirements to be eligible for benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 June 15, 2007, reference 03 overpayment decision is reversed. No overpayment determination will be based on the reference 03 decision.

However, a subsequent reference 05 overpayment decision, concerning the same benefits but based on a disqualifying separation, was entered on June 27, 2007 and remains pending. The reference 05 decision will become a final Agency decision unless the claimant files a timely appeal of that decision and the June 26, 2007, reference 02, decision that the claimant voluntarily quit without good cause attributable to the employer.

DECISION:

The June 15, 2007, reference 03, decision is reversed. No overpayment determination will be based on the reference 03 decision. However, another overpayment decision concerning the same benefits has been entered.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css