

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

BECKY L SMITH
Claimant

APPEAL NO: 19A-UI-03765-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/06/19
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant, Becky L. Smith, filed an appeal from the April 26, 2019, (reference 05) unemployment insurance decision that concluded she was overpaid \$1,576.00 in unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was scheduled to be held on May 29, 2019. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see decision of the administrative law judge in appeal 19A-UI-03254-JC-T) no testimony was necessary and no hearing was held.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?
Should the representative's decision be reversed so as to be consistent with subsequent agency action?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 6, 2019. The claimant filed for and received a total of \$1,576.00 in unemployment insurance benefits for the weeks between February 3, 2019 and March 9, 2019. 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 19A-UI-03254-JC-T.

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 appealed has been amended in favor of the appellant, the original representative's decision bearing reference 05 is reversed. The claimant was not overpaid benefits.

The hearing for May 29, 2019 at 1:00 p.m. is cancelled.

DECISION:

The unemployment insurance decision dated April 26, 2019, reference 05, is reversed. The claimant was not overpaid benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn