IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

IVONA BAJOREK Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 17A-UI-10403-JP-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 09/10/17** **Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 11, 2017, (reference 02), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $798.00 for the three-week period ending September 30, 2017, as a result of a disqualification decision. After due notice was issued, a telephone hearing was scheduled and held on October 30, 2017, pursuant to due notice. Claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision that has been affirmed in appeal number 17A-UI-10402-JP-T. Claimant received benefits in the gross amount of $798.00 for the three-week period ending September 30, 2017.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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.

> 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.

The administrative law judge concludes that claimant has been overpaid unemployment insurance benefits in the amount of $798.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed in appeal number 17A-UI-10402-JP-T.

DECISION:

The October 11, 2017, (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid unemployment insurance benefits in the gross amount of $798.00 to which she was not entitled and those benefits must be recovered in accordance with Iowa law.

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Jeremy Peterson
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs