

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

RUTH A FOLSOM
1122 BUNDY ST
DES MOINES IA 50315

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-03525-AT
OC: 12-14-03 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Ruth A. Folsom filed an appeal from an unemployment insurance decision dated March 17, 2004 reference 06 which ruled that she had been overpaid \$272.00 for the week ending February 7, 2004. After due notice was issued, a telephone hearing was held April 19, 2004 with Ms. Folsom participating. This matter is considered on the consolidated record with 04A-UI-03523, 03524, 03527, 03528, 04036, and 04037-AT. The administrative law judge takes official notice of agency benefit payment records.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Ruth A. Fosom received unemployment insurance benefits in the gross amount of \$272.00 for the week ending February 7, 2004. The decision holding her ineligible for those benefits has been affirmed by the administrative law judge's decision 04A-UI-03523-AT.

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.

Since Ms. Folsom has received unemployment insurance benefits to which she is not entitled, they must be recovered in accordance with the provisions of Iowa law.

DECISION:

The unemployment insurance decision dated March 17, 2004 reference 06 is affirmed. The claimant has been overpaid by \$272.00 for the week ending February 7, 2004.

sb/b