

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEREMY R RAINES

Claimant

APPEAL 19A-UI-06147-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/26/19

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On August 5, 2019, the claimant appealed the August 5, 2019, (reference 04) unemployment insurance decision that found the claimant overpaid unemployment insurance benefits. A telephone hearing was scheduled and held on August 26, 2019, pursuant to due notice. The 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: Claimant received unemployment insurance benefits in the amount of \$4,122.00 for nine weeks between May 26, 2019, and July 27, 2019. On August 2, 2019, Iowa Workforce Development issued a reference 03 decision finding claimant ineligible for benefits effective May 26, 2019. Claimant filed an appeal. In Appeal Number 19A-UI-06146-CL-T, the administrative law judge found claimant was ineligible for benefits from May 26, 2019, through August 26, 2019.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$4,122.00 pursuant to Iowa Code § 96.3(7) as he was not eligible for benefits during the time period between May 26, 2019, and August 26, 2019.

DECISION:

The August 5, 2019, (reference 04) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$4,122.00.

Christine A. Louis
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Decision Dated and Mailed

cal/scn