

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMIE J HAGEN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 17A-UI-02293-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/04/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 21, 2017, (reference 02) unemployment insurance decision that found he was overpaid benefits in the amount of \$2,530.00 for the five weeks beginning December 4, 2016 and ending January 7, 2017. Following the issuance of due notice, a telephone hearing was held on March 29, 2017. The claimant participated. Claimant's Exhibit A was received into evidence and official notice was taken of the administrative record.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was awarded weekly gross benefits in the amount of \$506.00 beginning the week of December 4, 2016. A fact-finding decision disqualifying claimant from benefits was issued on January 12, 2017. Claimant was paid \$2,530.00 in unemployment insurance benefits between December 4, 2016 and January 7, 2017. The unemployment insurance decision that determined the claimant's was not eligible to receive benefits was affirmed in a decision of the administrative law judge in appeal 17A-UI-000665-JT-T. Claimant has appealed that decision to the Employment Appeal Board, but they have not yet made a determination on his appeal.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was overpaid unemployment insurance 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) (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.

Since the decision finding claimant was not eligible for benefits for the five weeks beginning December 4, 2016 and ending January 7, 2017 has been affirmed, claimant received gross benefits of \$2,530.00 for the five-week period ending January 7, 2017, to which he was not entitled. Those benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The February 21, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant is overpaid benefits in the amount of \$2,530.00 and is obligated to repay the agency those benefits.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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