IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

CHRIS A TREES Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 18A-UI-07494-LJ-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 04/15/18** **Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed the July 9, 2018, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $455.00, as claimant received benefits that should have been applied to offset his overpayment balance. A telephone hearing was scheduled and held on July 18, 2018. Claimant agreed to waive notice and hear this appeal along with two other matters. The claimant, Chris A. Trees, participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

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 reversed. The overpayment decision has also been reversed. *See* 18A-UI-07109-LJ-T *and* 18A-UI-07110-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not been overpaid benefits for the period in question.

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.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of $455.00, pursuant to Iowa Code § 96.3(7), as the disqualification decision that created the overpayment decision has been reversed.

DECISION:

The July 9, 2018, (reference 05) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of $455.00.

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Elizabeth A. Johnson
Administrative Law Judge

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Decision Dated and Mailed

lj/scn