

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANDREA M NEBERGALL**  
Claimant

**APPEAL 18A-UI-04689-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/11/18  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the April 9, 2018 (reference 02) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$1,146.00 for six weeks between February 11, 2018 and March 24, 2018. Claimant was properly notified of the hearing. A telephone hearing was held on May 22, 2018. The claimant, Andrea M. Nebergall, participated personally and was represented by attorney Elizabeth Norris. LaDonna Poggenpohl participated as a witness on behalf of the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits of \$1,146.00 for six weeks between February 11, 2018 and March 24, 2018. The overpayment issue in this case was created by a disqualification decision that has been affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 of \$1,146.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The April 9, 2018 (reference 02) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits of \$1,146.00 to which she was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs