

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RACHEL M BJURSTROM
Claimant

APPEAL NO. 11A-UI-10097-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/03/10
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Rachel M. Bjurstrom filed a timely appeal from an unemployment insurance decision dated July 20, 2011, reference 04, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$661.00 for the two weeks ending January 23, 2010. Due notice was issued for a telephone hearing to be held August 25, 2011. Although the claimant had provided a telephone number, the number was answered by a recording at the time of the hearing. The administrative law judge left instructions for the claimant to call the Appeals Bureau if she wished to participate. She did not. The administrative law judge takes official notice of agency benefit payment records and decision records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Rachel M. Bjurstrom received unemployment insurance benefits in the gross amount of \$661.00 for the two weeks ending January 23, 2010. The fact-finding decision issued on February 9, 2010 denied benefits to her for those weeks. Administrative law judge decision #10A-UI-02546-DWT, issued on April 13, 2010 affirmed the denial. That decision remains in effect.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the agency, even if the individual who had received the benefits was not at fault for the overpayment. The evidence establishes that the claimant received the benefits in question and that the administrative law judge decision denying benefits to her remains in effect. Therefore, the law requires that the benefits be repaid.

DECISION:

The unemployment insurance decision dated July 20, 2011, reference 04, is affirmed. The claimant has been overpaid \$661.00 for the two weeks ending January 23, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs