

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CASEY L GRADISCHNIG**  
Claimant

**APPEAL 18A-UI-02880-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/21/18  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the February 27, 2018, (reference 02) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$910.00 for the two-week period ending February 17, 2018, as a result of a disqualification decision. A telephone hearing was scheduled and held on March 29, 2018, pursuant to due notice. The claimant, Casey Gradischnig, participated and was represented by attorney Kayla Burkhiser. 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. See 18A-UI-02879-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 \$910.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been reversed.

**DECISION:**

The February 27, 2018, (reference 02) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$910.00.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

lj/scn