

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DIANE J ANDERSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 19A-UI-09165-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/09/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 22, 2019 (reference 05) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$1,748.00 for the four-week period between October 6, 2019 and November 2, 2019. Claimant was properly notified of the hearing. A telephone hearing was held on December 16, 2019, at 9:05 a.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant was overpaid benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received unemployment benefits in the gross amount of \$1,748.00 for the four-week period between October 6, 2019 and November 2, 2019. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits (and resulted in the overpayment) has been reversed (see 19A-UI-09164-AW-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not overpaid 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.

Because claimant's separation was not disqualifying, claimant was entitled to receive benefits in the amount of \$1,748.00 for the four-week period between October 6, 2019 and November 2, 2019. The administrative law judge concludes that the claimant was not overpaid unemployment benefits.

DECISION:

The November 22, 2019 (reference 05) unemployment insurance decision is reversed. Claimant was not overpaid benefits.

Adrienne C. Williamson
Administrative Law Judge
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Decision Dated and Mailed

acw/scn