

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TIGEL M CHUOL**  
Claimant

**APPEAL 18A-UI-06297-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/06/18  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the June 5, 2018, (reference 06) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$485.00 for the one-week period ending May 26, 2018, as a result of a disqualification decision. A telephone hearing was scheduled and held on June 25, 2018, pursuant to due notice. The claimant participated.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$485.00 for the one week ending May 26, 2018. On June 4, 2018, a reference 05 decision was issued finding claimant is not qualified to receive benefits due to a separation from employment based on misconduct. Claimant appealed that decision. It was affirmed in Appeal Number 18A-UI-06296-CL-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been 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.

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 in the amount of \$485.00, pursuant to Iowa Code § 96.3(7), as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The June 5, 2018, (reference 06) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$485.00.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

cal/scn