

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIE L DEAN
Claimant

APPEAL NO: 15A-UI-00969-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/30/14
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Willie L. Dean (claimant) appealed a representative's January 15, 2015 (reference 05) decision that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 18, 2015. The claimant participated in the hearing. This appeal was consolidated for hearing with related Appeal No. 15A-UI-00968-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$1926?

FINDINGS OF FACT:

A representative issued a decision dated January 14, 2015 (reference 02) that concluded the claimant was disqualified from receiving benefits after a separation from employment from AllSteel, Inc. (employer). The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in Appeal No. 15A-UI-00968-DT, that disqualification decision has now been affirmed.

The claimant established a claim for unemployment insurance benefits effective November 30, 2015. The claimant has received credit for unemployment insurance benefits after the separation from employment in the amount of \$1926.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$1926 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's January 15, 2015 (reference 02) decision is affirmed. The claimant is overpaid benefits of \$1926.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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