

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

LAURA A SCHMADEKE
Claimant

APPEAL NO. 15A-UI-11427-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/21/14
Claimant: Appellant (2)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated October 9, 2015, reference 02, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1792 for four weeks between September 6, 2015 and October 3, 2015, as the result of a disqualification decision. After due notice, a telephone hearing was scheduled for and held on October 29, 2015. The claimant participated.

ISSUE:

At issue in this matter is whether Laura Schmadeke has been overpaid job insurance benefits.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record, finds: The overpayment issue in this case was created by a disqualification decision that has now been reversed. (See 15A-UI-11426-TN-T).

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 the claimant has not been overpaid unemployment insurance benefits in the amount of \$1792 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now reversed.

DECISION:

The decision of the representative dated October 9, 2015, reference 02, is reversed. The claimant is not overpaid unemployment insurance benefits in the amount of \$1792.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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