

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES S WILKERSON
Claimant

APPEAL 18A-UI-11640-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/09/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the November 27, 2018, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,736.00 for the eight-week period ending November 3, 2018, as a result of a disqualification decision. A telephone hearing was scheduled and held on December 17, 2018, pursuant to due notice. The claimant participated personally and through union president Tony Davis.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of September 9, 2018. A workforce representative issued a reference 01 decision denying benefits. Claimant filed an appeal. An administrative law judge reversed the decision and allowed benefits in Appeal Number 18A-UI-09922-LJ-T. Claimant then received benefits in the amount of \$3,736.00 for the eight weeks ending November 3, 2018. Employer filed an appeal. On November 20, 2018, the Employment Appeal Board reversed the administrative law judge's decision and denied claimant benefits. A workforce representative issued a decision on November 27, 2018, finding claimant overpaid benefits in the amount of \$3,736.00.

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 \$3,736.00 pursuant to Iowa Code § 96.3(7) as the Employment Appeal Board found claimant is disqualified from receiving benefits based on his separation from employment and that decision has not been overturned.

DECISION:

The November 27, 2018, (reference 04) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$3,736.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn