

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIAN J MORRISON
Claimant

B&D TRANSPORT INC
Employer

APPEAL 18A-UI-11155-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/05/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 6, 2018, (reference 06) unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$1,887.00 for the 11 weeks ending October 27, 2018. The parties were properly notified about the hearing. A telephone hearing was held on December 5, 2018. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

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 August 5, 2018. On August 15, 2018, a workforce representative issued a reference 01 decision finding claimant was disqualified from receiving benefits because she has not earned eight times her weekly benefit amount, making her ineligible for benefits in a second benefit year. Claimant appealed the decision and it was affirmed by an administrative law judge on September 19, 2018. Claimant did not appeal the administrative law judge's decision.

On October 23, 2018, a workforce representative issued a reference 03 decision allowing benefits based on a finding claimant had earned eight times her weekly benefit amount, making her eligible for benefits in a second benefit year. The same day, Iowa Workforce Development released payment for the eleven weeks claimant had filed weekly continued claims so far during the benefit year. Claimant received unemployment insurance benefit payments in the gross amount of \$1,887.00.

On November 2, 2018, a workforce representative issued a reference 04 decision voiding the reference 03 decision as it had been entered in error.

On November 5, 2018, a workforce representative issued a reference 05 decision finding claimant overpaid benefits in the amount of \$1,887.00 for the eleven weeks ending October 27, 2018.

The next day, on November 6, 2018, the workforce representative issued a reference 06 decision amending the reference 05 decision and also finding claimant overpaid unemployment insurance benefits in the amount of \$1,887.00 for the eleven weeks ending October 27, 2018.

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 \$1,887.00, pursuant to Iowa Code § 96.3(7), as claimant was not qualified to receive benefits for the eleven weeks ending October 27, 2018.

DECISION:

The November 6, 2018, (reference 06) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,887.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn