

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JULIE M RUPERT**  
Claimant

**APPEAL 17A-UI-08134-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the August 1, 2017 (reference 03) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$464.00 for one week between June 18, 2017 and June 24, 2017. Claimant was properly notified of the hearing. A telephone hearing was held on August 28, 2017. The claimant, Julie M. Rupert, participated personally. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$464.00 for one week between June 18, 2017 and June 24, 2017. The overpayment issue in this case was created by a decision finding that claimant was unavailable for work that week due to being out of the country on vacation. That decision was dated July 13, 2017 (reference 02) and has been affirmed on appeal.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 \$464.00 pursuant to Iowa Code § 96.3(7) for the one week beginning June 18, 2017 through June 24, 2017 as the ineligibility decision that created the overpayment decision has been affirmed.

**DECISION:**

The August 1, 2017 (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$464.00 during the week of June 18, 2017 through June 24, 2017, to which she was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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