

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAHISHA S SPATES
Claimant

APPEAL 19A-UI-08561-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/15/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On October 30, 2019, the claimant filed an appeal from the October 24, 2019, (reference 04) unemployment insurance decision that found claimant overpaid benefits for the five weeks ending October 19, 2019. The claimant was properly notified about the hearing. A telephone hearing was held on November 22, 2019. Claimant participated.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$1,670.00 for the five weeks ending October 19, 2019. On October 23, 2019, Iowa Workforce Development issued a reference 03 decision disqualifying claimant from receiving benefits from September 15, 2019, through October 12, 2019. That decision was modified in Appeal Number 19A-UI-08560-CL-T to include the week ending October 19, 2019.

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 \$1,670.00 pursuant to Iowa Code § 96.3(7) as she was not eligible for benefits during the five weeks ending October 19, 2019.

DECISION:

The October 24, 2019, (reference 04) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,670.00.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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November 27, 2019
Decision Dated and Mailed

cal/scn