

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JANICE L VAN VOORST**  
Claimant

**APPEAL 17A-UI-11862-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/04/17  
Claimant: Appellant (4)**

---

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 16, 2017, (reference 02), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,014.00 for the eleven-week period ending August 19, 2017, as a result of a disqualification decision. After due notice was issued, a telephone hearing was scheduled and held on December 11, 2017, pursuant to due notice. Claimant participated. Claimant Exhibits A and B were admitted into evidence with no objection. Official notice was taken of the administrative record with no objection.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision that has modified in favor of the appellant in appeal number 17A-UI-11861-JP-T. The decision in appeal number 17A-UI-11861-JP-T found claimant was denied benefits effective June 11, 2017, not June 4, 2017. The decision in appeal number 17A-UI-11861-JP-T found claimant was eligible for benefits for the one week period ending June 10, 2017.

Claimant received benefits in the gross amount of \$3,014.00 for the eleven-week period ending August 19, 2017. For the week ending June 10, 2017, claimant received benefits in the gross amount of \$274.00. Claimant received benefits in the gross amount of \$2,740.00 for the ten-week period ending August 19, 2017.

**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) (a) 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 section 96.8, subsection 5.

The administrative law judge concludes that claimant has not been overpaid unemployment insurance benefits in the amount of \$3,014.00 as stated by the representative's decision. However, claimant is overpaid \$2740.00 pursuant to Iowa Code section 96.3(7) because the decision that created the overpayment decision has now been modified in favor of the appellant in appeal number 17A-UI-11861-JP-T.

**DECISION:**

The November 16, 2017, (reference 02) unemployment insurance decision is modified in favor of the appellant. Claimant has been overpaid unemployment insurance benefits in the amount of \$2,740.00 to which she was not entitled. Those benefits must be recovered in accordance with Iowa law.

---

Jeremy Peterson  
Administrative Law Judge

---

Decision Dated and Mailed

jp/rvs