

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MINDY M SHEELEY
Claimant

APPEAL 18A-UI-09074-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/07/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Mindy M. Sheeley, (claimant) appealed an unemployment insurance decision dated July 31, 2018, reference 12, which concluded she was overpaid \$455.00 in unemployment insurance benefits. A telephone hearing was held on August 30, 2018, in which the claimant waived notice on this issue. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 7, 2018. The claimant filed for and received a total of \$455.00 in unemployment insurance benefits for the week ending July 7, 2018. The July 30, 2018 unemployment insurance decision, reference 10, disqualified the claimant from receiving unemployment insurance benefits for that week as she had reported she was not able to and available for work. This decision was reversed by the August 6, 2018 unemployment insurance decision, reference 14, which found her able to and available for work that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not overpaid unemployment insurance 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.

Since the decision disqualifying the claimant was reversed by a subsequent decision allowing benefits, the claimant was not overpaid \$455.00.

DECISION:

The unemployment insurance decision dated July 31, 2018, reference 12, is reversed. The claimant was not overpaid \$455.00 in unemployment insurance benefits. Any benefits withheld to offset the overpayment shall be paid to the claimant.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn