

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JESSICA M KLINE
Claimant

APPEAL NO. 08A-UI-05440-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 03/16/08 R: 02
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

Jessica Kline filed a timely appeal from the June 10, 2008, reference 05, decision that she was overpaid \$252.00 in benefits for the week that ended May 10, 2008. After due notice was issued, a hearing was held on June 25, 2008. Ms. Kline participated. The administrative law judge took official notice of the Agency's record of benefits paid to the claimant. The hearing in this matter was consolidated with the hearing in Appeal Number 08A-UI-05438-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant was overpaid \$252.00 for the week that ended May 10, 2008.

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 a disqualification decision that has now been reversed. See Appeal Number 08A-UI-05438-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

Because the decision that prompted the overpayment decision has been reversed on appeal, the administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$252.00 for the week that ended May 10, 2008.

DECISION:

The June 10, 2008, reference 05, decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$252.00 for the week that ended May 10, 2008.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css