

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GEORGE FLOYD
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 19A-UI-07500-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/04/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant/appellant filed an appeal from the September 18, 2019 (reference 02) unemployment insurance decision that found claimant was overpaid benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 15, 2019, at 11:05 a.m. Claimant/appellant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant was overpaid benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received unemployment benefits in the gross amount of \$1,320.00 for the five-week period between August 4, 2019 and September 7, 2019. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits (and resulted in the overpayment) has been affirmed (see 19A-UI-07499-AW-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid benefits which must be repaid.

Iowa Code section 96.3.(7) states:

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.

Because claimant's separation was disqualifying, benefits were paid to which claimant was not entitled. The administrative law judge concludes that the claimant has been overpaid unemployment benefits in the amount of \$1,320.00 for the five-week period between August 4, 2019 and September 7, 2019. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The September 18, 2019 (reference 02) unemployment insurance decision is affirmed. Claimant was overpaid benefits in the amount of \$1,320.00 for the five-week period between August 4, 2019 and September 7, 2019, which must be repaid.

Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

acw/scn