

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAYNA E BRUCE
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 18A-UI-09266-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/07/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Shayna E. Bruce (claimant) filed an appeal from the August 28, 2018, reference 07, unemployment insurance decision that determined she was overpaid unemployment insurance benefits for the week ending August 11, 2018. After due notice was issued, a telephone conference hearing was held on September 21, 2018 and was consolidated with the hearings for appeal numbers 18A-UI-09263-SC-T, 18A-UI-09264-SC-T, and 18A-UI-09265-SC-T. The claimant participated. The Claimant's Exhibit A and the Departments Exhibits D1 through D4 were admitted into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her original claim for unemployment insurance benefits effective January 7, 2018. When making her continued claim for benefits, the claimant reported zero job searches for the week ending February 17. On February 20, an unemployment insurance decision, reference 03, was mailed to the claimant warning her that she needed to make two job contacts each week she claimed benefits but did not deny benefits for the week ending February 17. The decision also contained notification that it became final unless an appeal was filed by March 2. The claimant received the warning but did not file an appeal. The warning has become final agency action.

On August 1, the claimant was offered a job with Pella Corporation which she accepted. The claimant ceased searching for work once she accepted the new position. The claimant filed for and received a total of \$146.50 in unemployment insurance benefits for the week ending August 11, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits that week due to a lack of work search has been affirmed in a decision of the administrative law judge in appeal 18A-UI-09264-SC-T.

REASONING AND CONCLUSIONS OF LAW:

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

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 has been affirmed, the claimant was overpaid \$146.50 in unemployment insurance benefits for the week ending August 11, 2018.

DECISION:

The unemployment insurance decision dated August 28, 2018, reference 07, is affirmed. The claimant was overpaid \$146.50 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn