

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BENJAMIN J BARKEMA**  
Claimant

**APPEAL 17A-UI-07312-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/09/17**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Benjamin J. Barkema (claimant) appealed an unemployment insurance decision dated July 11, 2017, reference 03, that concluded he was overpaid \$447.00 in unemployment insurance benefits. A telephone hearing was scheduled for August 4, 2017 and due notice was issued. The claimant responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

**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 April 9, 2017. The claimant filed for and received \$447.00 in unemployment insurance benefits for the one-week period ending June 3, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits was reversed in a decision by an administrative law judge in appeal 17A-UI-06310-DG-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was 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 has been reversed, the claimant was not overpaid \$447.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated July 11, 2017, reference 03, is reversed. The claimant was not overpaid \$447.00 in unemployment insurance benefits.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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