

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOPE S OLDHAM
Claimant

APPEAL NO. 11A-UI-00137-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/22/10
Claimant: Appellant (5)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Hope S. Oldham filed a timely appeal from an unemployment insurance decision dated December 30, 2010, reference 03, that ruled she had been overpaid unemployment insurance benefits in the gross amount of \$2,592.00 for the 16 weeks ending December 11, 2010. After due notice was issued, a telephone hearing was held January 29, 2011 on a consolidated record with 11A-UI-00346-AT. The administrative law judge takes official notice of Agency benefit payment records. The administrative law judge also takes official notice of Agency overpayment records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Hope S. Oldham received unemployment insurance benefits in the gross amount of \$2,592.00 for the 16 weeks ending December 11, 2010. The benefits were paid at the rate of \$404.00 per week. The administrative law judge's decision in the companion case affirms the corrected monetary determination that reduced the claimant's weekly benefit amount to \$242.00. The claimant has continued to file weekly claims for unemployment insurance benefits with those proceeds going to reduce the amount of the overpayment. As of January 29, 2011, the remaining balance of the overpayment is \$711.03.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who received those benefits is not at fault for the overpayment. The evidence in this record persuades the administrative law judge that Ms. Oldham received benefits to which she was not entitled because of the error in the initial weekly benefit amount. Although the error is not the fault of Ms. Oldham, the fact remains that

she received more in benefits than she was entitled to receive. The law requires that they be repaid. The record establishes that the remaining balance is \$711.03 as of January 29, 2011.

DECISION:

The unemployment insurance decision dated December 30, 2010, reference 03, is modified. The claimant was overpaid in the gross amount of \$2,592.00 for the 16 weeks ending December 11, 2010. As of January 29, 2011, the remaining balance of the overpayment was \$711.03.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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