

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TRAVIS GOSSELINK**  
Claimant

**APPEAL 18A-UI-11682-DB-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/21/18**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the December 4, 2018 (reference 03) unemployment insurance decision that found claimant was overpaid benefits of \$710.00 for three weeks between November 4, 2018 and November 24, 2018. Claimant was properly notified of the hearing. A telephone hearing was held on December 18, 2018. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant received benefits of \$711.00 for three weeks between November 4, 2018 and November 24, 2018. His weekly benefit amount is \$237.00.

The overpayment issue in this case was created by a disqualification decision that has been modified in favor of the appellant. See Appeal No. 18A-UI-11681-DB-T. Claimant was found ineligible for benefits for the week-ending November 10, 2018 due to being unavailable for work. Claimant was found eligible for benefits for the weeks ending November 17, 2018 and November 24, 2018. As such, claimant is only overpaid benefits for the one week period ending November 10, 2018 and is not overpaid benefits for the two-week period ending November 24, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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.

b. (1) 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 § 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits of \$237.00 for the one-week period ending November 10, 2018 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been modified in favor of the appellant.

**DECISION:**

The December 4, 2018 (reference 03) unemployment insurance decision is modified in favor of the appellant. The claimant has been overpaid unemployment insurance benefits of \$237.00 for the one-week period ending November 10, 2018 to which he was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs