

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRACI HODGES

Claimant

APPEAL 19A-UI-08750-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/11/19
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

On November 5, 2019, the claimant filed an appeal from the November 1, 2019, (reference 03) unemployment insurance decision that found claimant overpaid benefits in the amount of \$672.00 for the three weeks ending October 26, 2019. Claimant was properly notified about the hearing. A telephone hearing was held on November 20, 2019. Claimant participated personally.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received \$239.00 in unemployment insurance benefits for the one week ending October 12, 2019.

Claimant received \$239.00 in unemployment insurance benefits for the one week ending October 19, 2019.

Claimant received \$194.00 in unemployment insurance benefits for the one week ending October 26, 2019.

On October 29, 2019, Iowa Workforce Development issued a reference 01 decision denying claimant benefits during the one week ending October 12, 2019. An administrative law judge modified that decision in Appeal Number 19A-UI-08748-CL-T by denying claimant benefits during the one week ending October 19, 2019, when she was ill, and allowing benefits to claimant during the one week ending October 12, 2019.

No decision denied benefits to claimant during the one week ending October 26, 2019.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits in the amount of \$239.00.

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 was not eligible for benefits during the one week ending October 19, 2019, so she was overpaid \$239.00 in benefits for that week. However, claimant was eligible for benefits during the one week ending October 12, 2019, and the one week ending October 26, 2019. Therefore, she was not overpaid benefits for those weeks.

DECISION:

The November 1, 2019, (reference 03) unemployment insurance decision is modified in favor of claimant. Claimant was only overpaid benefits in the amount of \$239.00. Any amount that has been withheld from her benefits above that amount should be refunded to claimant.



Christine A. Louis
Administrative Law Judge
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November 27, 2019
Decision Dated and Mailed

cal/scn