

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JORDAN SOY
Claimant

APPEAL 16A-UI-06101-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/06/16
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

Claimant appealed the May 27, 2016, (reference 03) unemployment insurance decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1,350.00 as a result of a work-refusal decision. A telephone hearing was held on June 17, 2016, pursuant to due notice. Claimant participated.

ISSUE:

The issue is whether claimant is overpaid benefits for the four-week period from April 10, 2016, and ending May 7, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a decision denying benefits based upon a refusal of work at the end of claimant's available work week on Thursday, April 14, 2016. The refused work would have begun Monday, April 18, 2016. Because claimant reported on her weekly continued claim that she refused work she was not allowed to report wages of \$300.00 for the week and was paid full gross weekly benefits of \$474.00. Partial benefits for that week would be \$292.00. The remaining three weeks' benefits of \$876.00 are not disputed.

REASONING AND CONCLUSIONS OF LAW:

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 section 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$1,350.00 as stated by the representative's decision. However, in addition to the undisputed overpayment of \$876.00 for the three-weeks ending May 7, 2016, claimant is overpaid \$182.00 pursuant to Iowa Code § 96.3(7) because of the wages earned but not reported the week-ending April 16, 2016. That brings the overpayment total to \$1,058.00.

DECISION:

The May 27, 2016, (reference 03) unemployment insurance decision is modified in favor of the appellant. Claimant has been overpaid unemployment insurance benefits in the amount of \$1,058.00.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs