

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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|--------------------------------------------------|-------------------------------------------------------------|
| <b>JOHN J COLOMBO</b><br>Claimant                | <b>APPEAL NO. 10A-UI-03381-ST</b>                           |
| <b>IOWA WORKFORCE<br/>DEVELOPMENT DEPARTMENT</b> | <b>ADMINISTRATIVE LAW JUDGE<br/>DECISION</b>                |
|                                                  | <b>Original Claim: 03/09/08<br/>Claimant: Appellant (1)</b> |

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated March 1, 2010, reference 06, that held he is overpaid benefits \$4,592 for a 16-week period ending January 30, 2010, because of the department decision dated February 22, 2010, reference 05, which amends 04. The claimant participated.

**ISSUE:**

Whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The claimant received extended (federal) benefits from October 11, 2009 for a period of 16 weeks ending January 30, 2010 totaling \$4,592 (16 x \$262/weekly benefit amount plus 16 x \$25). The department decision that created this overpayment has been affirmed (See Appeal Number 10A-UI-03380-ST). By offset procedure, the overpayment is now \$2,223.04.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 the claimant is overpaid benefits \$4,592.

The overpayment is based on a department decision that has been affirmed (See Appeal No. 10A-UI-03380-ST). The department overpayment worksheet shows the claimant received extended benefits in the amount indicated, before it realized the claimant was eligible for regular benefits. The department has been offsetting benefits to collect the overpayment, which is reduced to \$2,223.04 as of the date of this hearing.

**DECISION:**

The department representative's decision dated March 1, 2010, reference 06, is affirmed. The claimant is overpaid \$4,592, which has been reduced to \$2,223.04 by offset procedure.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw