

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT A WYANT
Claimant

APPEAL NO. 09A-UI-17441-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/05/09
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment
Section 17A.12(3) – Default

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 10, 2009, reference 03, that held he is overpaid benefits \$450.00 for the three weeks ending August 22, 2009. A telephone hearing was scheduled for December 30, 2009. The claimant did not participate.

ISSUE:

Whether the claimant voluntarily quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant failed to respond to the hearing notice and provide a telephone number to be contacted for the hearing. The claimant is defaulted for his failure to appear.

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 defaulted for his failure to appear (respond to the hearing notice) for the hearing, and it establishes that he is overpaid benefits \$450.00.

The claimant appealed the department decision, but failed to appear for the hearing to contest the overpayment. The claimant is defaulted pursuant to Iowa Code section 17A.12(3), and the department decision remains in force and effect.

DECISION:

The department decision dated November 10, 2009, reference 03, is affirmed. The claimant is overpaid benefits \$450.00.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw