

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES C MORRIS
Claimant

APPEAL NO. 08A-UI-06193-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/01/08 R: 04
Claimant: Appellant (2)**

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

James C. Morris (claimant) appealed a representative's June 27, 2008 decision (reference 03) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled for July 21, 2008. This appeal was consolidated for hearing with one related appeal, 08A-UI-06192-DT. The claimant agreed that the administrative law judge should make a determination based upon a review of the information in the administrative file. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

A representative issued a decision dated June 26, 2008 (reference 01) that concluded the claimant was disqualified from receiving benefits after a separation from employment from Liberty Transport, Inc. (employer). The claimant timely appealed that decision and in the concurrently issued decision in appeal 08A-UI-06192-DT, that decision has been modified to remove the disqualification.

The overpayment decision was issued in this case as a result of the June 26, 2008 (reference 01) disqualification decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$1,410.00.

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 that the claimant is not overpaid benefits due to the disqualification decision issued on June 27, 2008 (reference 01), which has now been modified to remove the disqualification.

DECISION:

The representative's June 27, 2008 decision (reference 03) is reversed. The claimant is not overpaid benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw