

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ALLISON DREW**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 17A-UI-02620-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/25/16**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the March 3, 2017, (reference 02), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3435.00 for the 19-week period ending February 11, 2017, as a result of a redetermination of benefits. A telephone hearing was held on March 31, 2017, pursuant to due notice. The claimant participated.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**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 monetary redetermination decision that has been affirmed. Claimant accurately reported full-time wages and vacation pay from Iowa Home Care LLC and her new part-time job with Dr. Moehnke during the period she received unemployment insurance benefits. She brought to the attention of advisors in the Fort Dodge IWD office that Wageman Construction LLC was never her employer and should be removed from the monetary record. Three individuals erroneously told her there was no need to remove that business from the monetary record and it would not make a difference to her claim. Leaving those wages in the base period resulted in a weekly benefit amount (WBA) of \$464.00 when it should have been \$286.00. This resulted in an overpayment of \$3435.00 for the 19 weeks-ending February 11, 2017. Claimant has continued filing weekly claims for partial unemployment insurance benefits, which has been used to offset a portion of the overpayment amount.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code section 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) (a) 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 been overpaid unemployment insurance benefits in the amount of \$3435.00 pursuant to Iowa Code section 96.3(7) as the monetary record has been accurately redetermined and that created the overpayment.

**DECISION:**

The March 3, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$3435.00 to which he was not entitled. Those benefits must be recovered in accordance with Iowa law. As of the hearing date the overpayment, after offsets, totals \$2203.00.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/