

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

COLLEEN A WALVATNE
Claimant

APPEAL 16A-UI-07368-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/10/16
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed the June 28, 2016 (reference 07) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$388.00 as a result of an ineligibility decision. A telephone hearing was scheduled on July 22, 2016, pursuant to due notice. No hearing was held as there was sufficient evidence in the administrative record to resolve the matter without testimony.

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 an ineligibility decision that was reversed.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3(7)a-b provides:

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.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$388.00 pursuant to Iowa Code Section 96.3-7 as the ineligibility decision that created the overpayment decision has now been reversed.

DECISION:

The June 28, 2016 (reference 07) is reversed. The claimant has not been overpaid unemployment benefits in the amount of \$388.00.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs