

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DOUGLAS J FULL**  
Claimant

**APPEAL 17A-UI-06825-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/11/16  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 26, 2017, (reference 06) unemployment insurance decision that concluded he was overpaid unemployment insurance benefits in the amount of \$1,118.00 for the three weeks beginning May 14, 2017 and ending June 3, 2017, as a result of a disqualification decision. Following the issuance of due notice, a telephone hearing was scheduled for July 21, 2017. The claimant responded to the hearing notice instruction but no hearing was held as information in the administrative record was sufficient to resolve the issue.

**ISSUE:**

Is the claimant overpaid benefits which must be repaid?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 11, 2016 and an additional date of May 14, 2017. The claimant filed for and received a total of \$1,118.00 in unemployment insurance benefits for the weeks between May 14, 2017 and June 3, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in favor of the appellant in a decision of the administrative law judge in appeal 17A-UI-06133-B2-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code § 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.

The administrative law judge concludes the claimant has not been overpaid unemployment insurance benefits in the amount of \$1,118.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been reversed in his favor.

**DECISION:**

The unemployment insurance decision dated June 26, 2017 (reference 06), is reversed. The claimant has not been overpaid \$1,118.00 in unemployment insurance benefits.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs