

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE L PULLEN
Claimant

APPEAL 17A-UI-03813-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/15/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 29, 2017, (reference 05) unemployment insurance decision that determined she was overpaid benefits in the amount of \$398.00 the week beginning February 19, 2017 and ending February 25, 2017. After due notice was issued, a hearing was scheduled for April 17, 2017. Claimant responded to the hearing notice instruction but no hearing was held as there was sufficient evidence in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed for and received a total of \$398.00 in unemployment insurance benefits for the week between February 19, 2017 and February 25, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 17A-UI-03241-NM-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.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$398.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated March 29, 2017, reference 05, is reversed. The claimant was not overpaid \$398.00 in unemployment insurance benefits.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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