

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE BERNHARDT
Claimant

APPEAL 19A-UI-00498-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/28/18
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 17, 2019, reference 04, that concluded she was overpaid \$467.00 in unemployment insurance benefits. A telephone hearing was scheduled and held for February 4, 2019, pursuant to due notice. 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:

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 \$467.00 in unemployment insurance benefits for the week ending December 29, 2018. The overpayment determination was based on January 14, 2019 (reference 02) and January 14, 2019 (reference 03) decisions that denied benefits. Those decisions were amended by January 17, 2019 (reference 05) and January 17, 2019 (reference 06) decisions that allowed benefits. The January 17, 2019 (reference 06) decision specially allowed benefits for the week ending December 29, 2018.

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 decisions disqualifying the claimant has been amended by the January 17, 2019 (reference 05) and January 17, 2019 (reference 06) decisions, the claimant was not overpaid \$467.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 17, 2019, reference 04, is reversed. The claimant was not overpaid \$467.00 in unemployment insurance benefits.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs