

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLEN R CUMMINGS
Claimant

APPEAL 19A-UI-01593-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/23/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Allen R. Cummings (claimant) appealed an unemployment insurance decision dated February 12, 2019, reference 04, that concluded he was overpaid \$622.00 in unemployment insurance benefits. A telephone hearing was held on March 11, 2019 and consolidated with the hearing for appeal 19A-UI-01592-SC-T. Proper notice of the hearing was given to the claimant. The claimant participated personally. The Department's Exhibits D1 and D2 were admitted into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits in Iowa with an effective date of December 23, 2018. The claimant filed for and received a total of \$622.00 in unemployment insurance benefits for the two weeks between January 6, 2019 and January 19, 2019. On or about January 22, 2019, Iowa Workforce Development (IWD) discovered the claimant had an active claim for unemployment insurance benefits in the state of Illinois that still had a balance and cancelled the claimant's Iowa claim. The unemployment insurance decision that cancelled the claimant's Iowa claim for unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 19A-UI-01592-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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. (Emphasis added.)

The claimant has argued he was not at fault for receiving the benefits and he acted in good faith which should negate the requirement he repay the benefits. However, even if he acted in good faith, any benefits he received, if he has been determined to be ineligible, shall be recovered. Since the decision cancelling the claimant's Iowa claim for unemployment insurance benefits has been affirmed, the claimant has received benefits to which he was not entitled. Therefore, he has been overpaid \$622.00 in unemployment insurance benefits which must be repaid.

DECISION:

The unemployment insurance decision dated February 12, 2019, reference 04, is affirmed. The claimant was overpaid \$622.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn