

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MARGARET E WALKER
Claimant

APPEAL NO. 13A-UCFE-00052-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/29/13
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated November 26, 2013, reference 01, that held she is overpaid benefits \$740 for the two weeks ending October 12, 2013 due to a department redetermination decision dated November 18, 2013. A hearing was held on December 24, 2013. The claimant participated.

ISSUE:

The issue is whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds that: Claimant filed a UI claim effective September 29, 2013. The department paid claimant benefits \$316 for the week ending October 5, 2013 and \$424 the week ending October 12. She authorized income tax withholding that reduced the net amount she received to \$629.

The department issued a November 18 decision that disqualified the claimant from the effective date of her claim that caused her to be overpaid \$740. The disqualification decision has been affirmed (#13A-UI-13429-ST).

REASONING AND CONCLUSIONS OF LAW:

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.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant is overpaid benefits \$740 due to a department November 18, 2013 decision that has been affirmed. The department issued the decision that has been affirmed in Appeal #13A-UI-13429-ST. Claimant was paid \$740 for the two weeks ending October 12, 2013 according to the department record.

The claimant is credited with the tax withholding amount and it is part of the overpayment to be recovered.

DECISION:

The decision of the representative dated November 26, 2013, reference 01, is affirmed. The claimant is overpaid benefits \$740.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs