

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA M BROWN
Claimant

APPEAL NO: 14A-UI-13361-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/16/14

Claimant: Appellant (4)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Barbara M. Brown (claimant) appealed a representative's December 15, 2014 (reference 02) decision that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was begun on January 23, 2015; that hearing was recessed and then reconvened and concluded on February 17, 2015. This appeal was consolidated for hearing with related Appeal No. 15A-UI-00956-DT and Appeal No. 14A-UI-13360-DT. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant is overpaid unemployment insurance benefits of \$1144?

FINDINGS OF FACT:

A representative issued a decision dated December 12, 2014 (reference 01) that concluded the claimant was disqualified from receiving benefits because she was not able and available for work as being still employed under her same hours and wages with Jennie Edmundson Memorial Hospital (employer). The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in Appeal No. 14A-UI-13360-DT, that disqualification decision has now been affirmed as final through the period ending December 20, 2014.

The claimant established a claim for unemployment insurance benefits effective November 16, 2014. The claimant received unemployment insurance benefits from that date through December 20, 2014 in the amount of \$1144.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits. The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant was overpaid benefits of \$1144 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's December 15, 2014 (reference 02) decision is affirmed. The claimant is overpaid benefits of \$1144.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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