

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENDRA K LYONS
Claimant

APPEAL NO. 10A-UI-08394-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**
Respondent

OC: 12/27/09
Claimant: Appellant (1-R)

Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated June 9, 2010, reference 03, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$876.00 as a result of a disqualification decision. A telephone hearing was scheduled for and held on July 29, 2010, pursuant to due notice. The claimant did participate.

ISSUE:

At issue in this matter is whether Ms. Lyons has been overpaid job insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a disqualification decision that has now been affirmed. The overpayment determination indicated that Ms. Lyons had received benefits for the period December 27, 2009 through January 23, 2010. However, she denies that she received benefits to cover this period. Records of Workforce Development indicate that benefits for this period were placed on a debit card issued to Ms. Lyons in January of 2010.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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 was overpaid unemployment insurance benefits in the amount of \$876.00 pursuant to Iowa Code section 96.3(7), as the disqualification decision that created the overpayment decision has now been affirmed. This matter shall be remanded to Investigation and Recovery to look into the issue of whether benefits intended for Ms. Lyons for the period at issue were, in fact, received by her. If it is determined that they were not received, the overpayment will, of course, be removed.

DECISION:

The decision of the representative dated June 9, 2010, reference 03, is affirmed at this time, pending any further determination by Investigation and Recovery. The claimant has been overpaid unemployment insurance benefits in the amount of \$876.00. This matter is remanded to Investigation and Recovery for action as outlined herein.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw