

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**VINCENT CHANG**  
Claimant

**APPEAL 18A-UI-06487-SC**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/13/18**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Vincent Chang (claimant) appealed an unemployment insurance decision dated June 12, 2018, reference 02, that concluded he was overpaid \$1,365.00 in unemployment insurance benefits. A hearing was held in Des Moines, Iowa on June 26, 2018 at 3:05 p.m. after due notice had been issued. The claimant participated personally. Hy-Vee, Inc., the claimant's former employer, was represented by Barbara Buss of Corporate Cost Control, Inc. and participated via telephone through Store Director Todd Robertson, Loss Prevention Supervisor Scott Foughty, and Cook Kyong Ae Smith. Kathy Hrubetz was sworn in as an employer witness but did not testify. Mandarin interpretation was provided by Haihong (employee number 10147) from CTS Language Link. The Claimant's Exhibit A and E employer's Exhibit 1 were admitted without objection.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 13, 2018. The claimant filed for and received a total of \$1,365.00 in unemployment insurance benefits for the three weeks between May 13, 2018 and June 2, 2018. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits based on his separation from Hy-Vee, Inc. has been affirmed in a decision of the administrative law judge in appeal 18A-UI-06486-SC.

**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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,365.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated June 12, 2018, reference 02, is affirmed. The claimant was overpaid \$1,365.00 in unemployment insurance benefits, which must be repaid.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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