

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ESTELA ORTIZ DE GARIBAY**  
Claimant

**APPEAL 19A-UI-04614-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/24/19  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On June 7, 2019, the claimant appealed an unemployment insurance decision dated June 5, 2019, reference 03, that concluded she was overpaid \$934.00 in unemployment insurance benefits. A telephone hearing was held on July 2, 2019. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed for and received a total of \$934.00 in unemployment insurance benefits for the weeks between May 5, 2019 and May 18, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 19A-UI-04613-NM-T.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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 reversed, the claimant was not overpaid \$934.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated June 5, 2019, reference 03, is reversed. The claimant was not overpaid \$934.00 in unemployment insurance benefits.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/scn