

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD P WHITE
Claimant

APPEAL NO. 11A-EUCU-00883-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11
Claimant: Appellant (1R)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Gerald P. White filed a timely appeal from an unemployment insurance decision dated December 6, 2011, reference 02, that ruled he had been overpaid benefits in the amount of \$1,452.69 for the five weeks ending November 5, 2011. After due notice was issued, a telephone hearing was held January 23, 2012 with Mr. White participating. This matter is considered on a consolidated record with 11A-EUCU-00882-AT. The administrative law judge takes official notice of agency overpayment records and benefit payment records.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Gerald P. White received emergency unemployment compensation benefits totaling \$1,452.69 for the five weeks ending November 5, 2011. The decision holding him ineligible for those benefits has been affirmed by the administrative law judge's decision in the companion case. As of the date of this hearing, the remaining balance of the overpayment was \$300.69. The overpayment has been reduced because Nebraska is withholding state benefits from Mr. White and sending them to Iowa to apply to the prior overpayment. Mr. White is receiving no benefits from Nebraska at this time.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid in error by the agency be repaid, even if the individual who has received the benefits is not at fault for the overpayment. It is clear that Mr. White is not at fault for this overpayment. Nevertheless, he received more in benefits through Iowa than he should have received. The overpayment must be affirmed.

Under some circumstances, an overpayment of emergency unemployment compensation can be waived. See Iowa Administrative Code section 871-24.50(7). The administrative law judge remands the question of whether all or a portion of this overpayment can be waived. The

agency shall take into consideration the facts that the overpayment is not the claimant's fault and that he is receiving no benefits at this time from the state of Nebraska.

DECISION:

The unemployment insurance decision dated December 6, 2011, reference 02, is affirmed. The claimant was overpaid benefits in the amount of \$1,452.69. The question of whether all or a portion of this overpayment can be waived is remanded.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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