

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LARRY E JOHNSON**  
Claimant

**APPEAL 18R-UI-02535-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/09/17  
Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

Claimant appealed the December 13, 2017, (reference 03) unemployment insurance decision that concluded claimant was overpaid \$111.00 of unemployment insurance benefits in the amount of \$111.00 for three weeks between July 9 and November 18, 2017, as a result of a pension deduction decision. A telephone hearing was held on March 22, 2018, pursuant to due notice. Claimant participated.

**ISSUES:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?  
Has the claimant been underpaid unemployment insurance benefits for the period in question?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by an ineligibility decision that has now been reversed. The \$111.00 overpayment was offset the week ending December 9, 2017, and claimant was paid partial benefits of \$307.00. He should have been paid an additional \$37.00 in gross benefits after the offset to reach the full weekly benefit amount (WBA) of \$455.00, as there were no wages earned or reported for that week.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

b. (1) (a) 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 has not been overpaid unemployment insurance benefits in the amount of \$111.00 because the decision that created the overpayment decision has now been reversed. In addition, claimant is underpaid \$37.00 as the overpayment offset and partial benefit amount was calculated incorrectly.

**DECISION:**

The December 13, 2017, (reference 03) unemployment insurance decision is modified in favor of the appellant. Claimant has not been overpaid unemployment insurance benefits in the amount of \$111.00. Since \$111.00 of benefits has been offset during the week-ending December 9, 2017, to recover the overpayment, claimant is currently owed \$111.00 and the underpayment of an additional \$37.00 shall be reimbursed.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs