

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLI L NISSEN
Claimant

APPEAL NO. 12A-UI-05489-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/30/09
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Shelli L. Nissen filed a timely appeal from an unemployment insurance decision dated May 4, 2012, reference 07, that ruled she was overpaid Emergency Unemployment Compensation benefits totaling \$6,639.33 for the 28 weeks ending March 31, 2012. After due notice was issued, a telephone hearing was held June 27, 2012 on a consolidated record with 12A-UI-05488-AT.

ISSUE:

Has the claimant been overpaid?

FINDINGS OF FACT:

Shelli L. Nissen received Emergency Unemployment Compensation benefits totaling \$6,639.33 for the 28 weeks ending March 31, 2012. The fact-finding decision holding her ineligible for Emergency Unemployment Compensation benefits for those weeks has been affirmed by the administrative law judge decision in the companion case.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 requires that benefits paid in error be repaid, even if the individual who received the benefits is not at fault for the overpayment. The evidence in this record establishes both that Ms. Nissen received the benefits in question and that the decision denying the benefits to her has been affirmed. Therefore, the benefits must be repaid.

DECISION:

The unemployment insurance decision dated May 4, 2012, reference 07, is affirmed. The claimant has been overpaid \$6,639.33 for the 28 weeks ending March 31, 2012.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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