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

ZACKARY A GABORIT
Claimant

APPEAL NO: 18A-UI-00837-JE-T

ADMINISTRATIVE LAW JUDGE
DECISION

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

OC: 12/03/17
Claimant: Appellant (2)

Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 11, 2018, reference 03, decision that determined he was overpaid benefits in the amount of $564.00 for the two weeks ending December 16, 2017. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 22, 2018. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

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 a disqualification decision that has now been reversed.

REASONING AND CONCLUSIONS OF LAW:

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.
>
> 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 $564.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been reversed.

DECISION:

The January 11, 2018, reference 03, decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of $564.00 for the two weeks ending December 16, 2017.

_____
Julie Elder
Administrative Law Judge

_____
Decision Dated and Mailed

je/scn