

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN E PIERRON
Claimant

APPEAL NO. 07A-UI-09509-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/24/07 R: 02
Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Dawn Pierron filed a timely appeal from the October 3, 2007, reference 03, decision that she had been overpaid benefits of \$2,672.00 because of a determination that she was not able to work and available for work. After due notice was issued, a hearing was held on October 23, 2007. Ms. Pierron participated. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing in Appeal Number 07A-UI-09508-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether Ms. Pierron has been overpaid \$2,672.00 for eight weeks between June 24, 2007 and September 22, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Dawn Pierron established a claim for benefits that was effective June 24, 2007 and received benefits totaling \$2,672.00 for eight weeks between June 24, 2007 and September 22, 2007. On October 2, 2007, a claims representative entered a reference 02 decision that concluded Ms. Pierron was not able to work and available for work and denied benefits effective June 24, 2007. That decision prompted the overpayment decision at issue in this matter. The decision denying benefits has been affirmed on appeal. See Appeal Number 07A-UI-09508-JTT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

Because the decision that prompted the overpayment decision has been affirmed on appeal, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$2,672.00 for eight weeks between June 24, 2007 and September 22, 2007.

DECISION:

The October 3, 2007, reference 03 decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,672.00.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css