

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAUL S HURST
Claimant

APPEAL 15A-UI-13707-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/15
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 10, 2015, (reference 04) unemployment insurance decision that concluded he was overpaid unemployment insurance benefits in the amount of \$894.00 as a result of a December 10, 2015, (reference 03) decision finding he failed to report or incorrectly reported vacation pay. After due notice was issued, a telephone conference hearing was scheduled to be held on January 6, 2016. Claimant participated.

ISSUE:

Was the claimant overpaid 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 December 15, 2015 (reference 03) 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) 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 was not overpaid unemployment insurance benefits in the amount of \$894.00 pursuant to Iowa Code Section 96.3-7 as the disqualification decision that created the overpayment decision has now been reversed.

DECISION:

The December 10, 2015, (reference 04) decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$894.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/pjs