

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL BURNS**  
Claimant

**APPEAL NO. 09A-UI-11702-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/22/09  
Claimant: Appellant (2)**

Iowa Code § 96.3-7 - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Daniel Burns (claimant) appealed an unemployment insurance decision dated August 11, 2009, reference 03, which held that he was overpaid unemployment insurance benefits in the amount of \$4,246.00 as a result of a disqualification decision. Due notice was issued scheduling the matter for a telephone hearing to be held September 15, 2009. However, no hearing was held, since there was no dispute of material facts. Based on the evidence and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant was overpaid \$4,246.00 in unemployment insurance benefits for the 11-week period ending May 23, 2009.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: 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:

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.

The administrative law judge concludes that the claimant has not been overpaid unemployment insurance benefits in the amount of \$4,246.00 pursuant to Iowa Code § 96.3-7, as the disqualifying decision that created the overpayment decision has now been reversed.

**DECISION:**

The unemployment insurance decision dated August 11, 2009, reference 03, is reversed. The claimant was not overpaid unemployment insurance benefits in the amount of \$4,246.00.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw