

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 employer shall **not** be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

Because the Employer did not participate in the Fact-finding Interview, and the Claimant was subsequently awarded benefits, the Employer's account shall be charged in accordance with the aforementioned rule.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

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