

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DAVID L THOMPSON**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO: 16A-UI-02718-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/03/16**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 29, 2016, (reference 04), that concluded he was overpaid \$553.00 in unemployment insurance benefits. A telephone hearing was held on March 29, 2016. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing by way of written statement (Department Exhibit D-1). Department Exhibits D-1 and D-2 were admitted. The administrative law judge took official notice of the administrative record, including fact-finding documents. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 3, 2016. The claimant filed for and received a total of \$553.00 in unemployment insurance benefits for the weeks between February 7, 2016 to February 20, 2016. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of the claimant in a decision of the administrative law judge in appeal 16-A-UI-02717-JC-T. As a result of the decision, the claimant is qualified for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been modified in favor of the appellant, the claimant was not overpaid unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated February 29, 2016, (reference 04), is reversed. The claimant was not overpaid unemployment insurance benefits.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/pjs