

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIC MUTARIKA
Claimant

APPEAL 19A-UI-03387-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/10/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On April 24, 2019, Eric Mutarika (claimant) appealed an unemployment insurance decision dated April 18, 2019, reference 04, that concluded he was overpaid \$453.00 in unemployment insurance benefits. A telephone hearing was scheduled to be held on May 13, 2019 and consolidated with the hearing for appeal 19A-UI-03386-SC-T. The claimant elected to participate through Attorney Paul Burns who made a professional statement. No sworn testimony was taken and no hearing was held.

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 March 10, 2019. The claimant filed for and received a total of \$453.00 in unemployment insurance benefits for the week ending March 16, 2019. The appeal of the unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been withdrawn and the decision remains in effect as stated in a decision of the administrative law judge in appeal 19A-UI-03386-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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 remains in effect, the claimant was overpaid \$453.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated April 18, 2019, reference 04, is affirmed. The claimant was overpaid \$453.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn