

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DAVID A GAUMER**  
Claimant

**APPEAL 17A-UI-12307-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/19/17  
Claimant: Appellant (1)**

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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 November 29, 2017, (reference 11) that concluded he was overpaid \$495.00 in unemployment insurance benefits. A telephone hearing was held on December 15, 2017. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 19, 2017. The claimant filed for and received a total of \$495.00 in unemployment insurance benefits for the weeks between October 22, 2017 and November 11, 2017.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 17A-UI-12106-JC-T.

**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 affirmed, the claimant was overpaid \$495.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated November 29, 2017, (reference 11), is affirmed. The claimant was overpaid benefits, which must be repaid.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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