

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SETH L RESKIE
Claimant

APPEAL NO: 11A-EUCU-00373-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/24/08
Claimant: Appellant (1)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Seth L. Reskie (claimant) appealed a representative's April 4, 2011 decision (reference 07) that concluded he had been overpaid unemployment benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 27, 2011. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 11A-EUCU-00372-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant overpaid emergency unemployment compensation (EUC) benefits and economic stimulus payments in the amount of \$3,994.00 for the period of October 3, 2010 through January 1, 2011 in the amount of \$3,994.00.

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective February 24, 2008. A representative issued a decision dated March 25, 2011 (reference 06) that concluded the claimant was disqualified from receiving benefits as he was monetarily eligible to receive regular unemployment insurance benefits on a new claim effective October 3, 2010. The overpayment decision was issued in this case as a result of that disqualification decision. As determined in the concurrently issued decision in appeal 11A-EUCU-00372-DT, that disqualification decision has now been affirmed.

The claimant received EUC benefits, as well as the companion economic stimulus payments, for the thirteen weeks after October 3, 2010, in the amount of \$3,994.00. For that same thirteen-week period, he was subsequently credited with regular unemployment insurance benefits in the amount of \$1,484.46. The claimant has had some more recent weeks of EUC benefit eligibility that have been in part offset to reduce his current overpayment balance to \$1,789.54.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant was overpaid benefits of \$3,994.00 pursuant to Iowa Code § 96.3-7. Through offset, that amount has currently been reduced to \$1,789.54.

DECISION:

The representative's April 4, 2011 decision (reference 07) is affirmed. The claimant was overpaid EUC benefits and economic stimulus payments of \$3,994.00 for the period of October 3, 2010 through January 1, 2011.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs