

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WELLER W HELGENBERGER
Claimant

APPEAL 17A-UI-06734-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/25/16
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Weller W. Helgenberger (claimant) appealed an unemployment insurance decision dated June 21, 2017, reference 05, that concluded he was overpaid \$400.00 in unemployment insurance benefits. No hearing was scheduled or held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

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 December 25, 2016. The claimant received \$400.00 in unemployment insurance benefits for the one-week period ending May 27, 2017. The unemployment insurance decision issued June 12, 2017, reference 02, that disqualified the claimant from receiving unemployment insurance benefits for the same week was reversed by an unemployment insurance decision issued June 27, 2017, reference 06.

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 was reversed by subsequent agency action, the claimant was not overpaid \$400.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated June 21, 2017, reference 05, is reversed. The claimant was not overpaid \$400.00 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn