

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER R WILSON
Claimant

APPEAL 18A-UI-11256-NM-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/02/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 9, 2018, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$682.00 as a result of a disqualification decision. The parties were properly notified of the hearing. A telephone hearing was held on December 5, 2018. The claimant participated.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of September 2, 2018. The claimant filed for and received a total of \$682.00 in unemployment insurance benefits for the weeks between October 21, 2018 and November 3, 2018.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of the appellant in a decision of the administrative law judge in appeal 18A-UI-11254-NM-T. However, that decision found the claimant was still disqualified for benefits during the weeks in question.

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 portion of decision disqualifying the claimant from benefits for the weeks in question has been affirmed, the claimant was overpaid \$682.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated November 9, 2018 (reference 05), is affirmed. The claimant was overpaid \$682.00 in unemployment insurance benefits, which must be repaid.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs