

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**WALTER J MILLER**  
Claimant

**APPEAL 17A-UI-00611-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/13/16  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 10, 2017, (reference 03), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$798.00 for the three-week period ending December 3, 2016, as a result of a disqualification decision. After due notice was issued, a telephone hearing was scheduled and held on February 8, 2017, pursuant to due notice. Claimant participated. Official notice was taken of the administrative record of claimant's benefit history, the administrative law judge's decision in appeal number 16A-UI-13266-LJ-T, and Employment Appeal Board Decision hearing number 17BUI-134266.

**ISSUE:**

Is the claimant overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision that has been affirmed. Claimant received benefits in the gross amount of \$798.00.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$798.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The January 10, 2017, (reference 03) unemployment insurance decision is affirmed. Claimant has been overpaid unemployment insurance benefits in the gross amount of \$798.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs