

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALLISON M MCCOWN**  
Claimant

**APPEAL NO. 12A-UI-02379-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/07/10**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Allison M. McCown filed a timely appeal from an unemployment insurance decision dated December 8, 2011, reference 06, that ruled she had been overpaid unemployment insurance benefits in the amount of \$12,928.00 for the 32 weeks ending November 5, 2011, due to an Agency error. After due notice was issued, a telephone hearing was held March 27, 2012, with Ms. McCown participating. The administrative law judge takes official notice of Agency wage records, benefit payment records, and decision records.

**ISSUE:**

Has the claimant been overpaid?

**FINDINGS OF FACT:**

Allison M. McCown filed a claim for unemployment insurance benefits effective November 7, 2010. At the time, her last employer was the Des Moines Independent Community School District. Administrative law judge decision 10A-UI-17272-H2T, issued February 7, 2011, disqualified Ms. McCown for benefits following that separation. She did not file an appeal from that decision. The Agency initially locked Ms. McCown's claim but inadvertently unlocked the claim later, allowing benefits to be paid to Ms. McCown for the 32 weeks ending November 5, 2011.

Ms. McCown's weekly benefit amount on her 2010 claim was \$404.00. She has not requalified for benefits since that separation by earning ten times her weekly benefit amount in wages for insured work.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Ms. McCown must repay the benefits she received for the 32 weeks ending November 5, 2011. She must. Iowa Code section 96.3-7 requires that benefits paid in error be repaid, even if the individual who had received the benefits is not at fault for the overpayment.

The record establishes that this overpayment occurred because of Agency error. Nevertheless, Ms. McCown has received unemployment insurance benefits that she was not entitled to receive because of the disqualifying decision. The law requires that the benefits be repaid.

**DECISION:**

The unemployment insurance decision dated December 8, 2011, reference 06, is affirmed. The claimant has been overpaid unemployment insurance benefits totaling \$12,928.00 for the 32 weeks ending November 5, 2011.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw