

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHAD E PEGUM
Claimant

APPEAL 15A-UI-13942-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/15
Claimant: Appellant (1)**

Iowa Code § 96.3-7 – Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 18, 2015, (reference 02), unemployment insurance decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1240.00 as a result of a disqualification decision. After due notice was issued, a telephone conference hearing was scheduled to be held on January 11, 2016. Claimant participated.

ISSUE:

Was 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 a disqualification decision that has now been affirmed.

REASONING AND CONCLUSIONS OF LAW:

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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$1240.00 pursuant to Iowa Code § 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

DECISION:

The December 18, 2015, (reference 02) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1240.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/css