

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN L WRIGHT
Claimant

APPEAL NO. 08A-UI-09312-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/06/08 R: 01
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayments

STATEMENT OF THE CASE:

Susan L. Wright filed a timely appeal from an unemployment insurance decision dated October 3, 2008, reference 03, that ruled she had been overpaid \$3,060.00 in unemployment insurance benefits for the twelve weeks ending September 27, 2008, because of an administrative law judge's decision dated October 1, 2008, that disqualified her for benefits. After due notice was issued, a telephone hearing was held October, 28, 2008, with Ms. Wright participating. The administrative law judge takes official notice of Agency decision records.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Susan L. Wright received unemployment insurance benefits in the gross amount of \$3,060.00 for the twelve weeks ending September 27, 2008. The administrative law judge's decision that disqualified Ms. Wright for benefits has been appealed to the Employment Appeal Board. As of the date of this decision, however, the Board has not issued a decision.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Wright has been overpaid unemployment insurance benefits. Iowa Code section 96.3-7 requires that unemployment insurance benefits paid in error be repaid to the Agency, even if the individual who has received the benefits is not at fault for the overpayment. The evidence in this record establishes that the claimant received the benefits in question. While the decision that created the overpayment is on appeal, it has not as yet been reversed. Therefore, unless or until that decision is reversed, the claimant remains overpaid.

DECISION:

The unemployment insurance decision dated October 3, 2008, reference 03, is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$3,060.00 for the twelve weeks ending September 27, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw