

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT L MOORE
Claimant

APPEAL 19A-UI-03544-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/13/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant appealed the April 18, 2019, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,058.00 for the two-week period ending March 16, 2019, as a result of a decision finding him ineligible for benefits. A telephone hearing was scheduled and held on May 16, 2019, pursuant to due notice. The claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$1,058.00 for the two weeks ending March 16, 2019. On April 2, 2019, Iowa Workforce Development issued a reference 02 decision finding claimant ineligible for benefits during that time period. That decision was affirmed in Appeal Number 19A-UI-03543-CL-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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.

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 \$1,058.00, pursuant to Iowa Code § 96.3(7) as he was not eligible for benefits during the two weeks ending March 16, 2019.

Claimant makes an argument that he should not be liable for the overpayment because he relied on advice from a Workforce representative when claiming benefits during that time period. As noted in the law above, there is no good faith exception when it comes to overpayment of benefits. The benefits shall be recovered, even if claimant acted in good faith and was not otherwise at fault.

DECISION:

The April 18, 2019, (reference 05) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,058.00.

Christine A. Louis
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Decision Dated and Mailed

cal/scn