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

BARBARA K SIEMENS
Claimant

IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT

APPEAL NO. 06A-UI-11315-H2T

ADMINISTRATIVE LAW JUDGE
DECISION

OC: 10-01-06   R: 03
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed the November 22, 2006, reference 05 decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of $237.00 for the one-week period ending November 11, 2006 as a result of an ineligibility decision. A telephone hearing was scheduled and held on December 12, 2006, pursuant to due notice. The claimant participated.

ISSUE:

The issue is whether claimant was 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 ineligibility decision that has now affirmed.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits in the amount of $237.00.

Iowa Code § 96.3-7 provides:

> 7. Recovery of overpayment of benefits. 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.

> 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 $237.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has now been affirmed.

DECISION:

The November 22, 2006, reference 05, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of $237.00.

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Teresa K. Hillary
Administrative Law Judge

_____
Decision Dated and Mailed

tkh/css