

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE R BAKER
Claimant

APPEAL 20A-UI-00287-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/27/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On January 9, 2020, Nicole R. Baker (claimant) filed an appeal from the January 6, 2020, reference 06, unemployment insurance decision that determined she was overpaid \$500.00 for the week ending November 30, 2019. After due notice was issued, a telephone conference hearing was held January 29, 2020 and consolidated with the hearings for appeals 20A-UI-00285-SC-T and 20A-00286-SC-T. The claimant participated. The Department's Exhibits D1 and D2 were admitted into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 27, 2019. The claimant filed for and received a total of \$500.00 in unemployment insurance benefits for the week ending November 30. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits that week has been affirmed in a decision of the administrative law judge in appeal 20A-UI-00285-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$500.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 6, 2020, reference 06, is affirmed. The claimant was overpaid \$500.00 in unemployment insurance benefits, which must be repaid.



Stephanie R. Callahan
Administrative Law Judge

February 5, 2020
Decision Dated and Mailed

src/scn