BRADLEY S DEMUTH Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 17A-UI-10758-DB-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 11/13/16** **Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed a timely appeal from the October 11, 2017 (reference 04) unemployment insurance decision that found claimant was overpaid benefits of $362.00 for 21 weeks between November 13, 2016 and September 2, 2017 due to a redetermination dated October 6, 2017 that reduced his weekly benefit amount. After due notice was issued, a telephone hearing was held on November 8, 2017. Claimant participated. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant's corrected monetary record was mailed to him on October 6, 2017 and he received it prior to the appeal deadline. This corrected monetary record reduced his dependents from one to zero, thus reducing his weekly benefit amount. Claimant failed to file a timely appeal to the corrected monetary record dated October 6, 2017. The overpayment issue in this case was created by the corrected monetary record, which has been affirmed and has become final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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 $362.00 for 21 weeks from November 13, 2016 through September 2, 2017 pursuant to Iowa Code § 96.3(7), as the corrected monetary record that created the overpayment decision has been affirmed.

DECISION:

The October 11, 2017 (reference 04) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits of $362.00 to which he was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dawn Boucher
Administrative Law Judge

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Decision Dated and Mailed

db/rvs