

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
SHAWN J HAY Claimant	APPEAL NO. 06A-UI-10035-S2T
IOWA WORKFORCE DEVELOPMENT DEPARTMENT	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 10/05/06 R: 04 Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed from the October 5, 2006, reference 04, decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$367.00 as a result of a failure to report or incorrectly reporting severance pay. A telephone hearing was scheduled and held on October 30, 2006, pursuant to due notice. The claimant participated.

ISSUE:

The issue is whether the claimant was overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not receive severance pay.

REASONING AND CONCLUSIONS OF LAW:

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 not been overpaid unemployment insurance benefits in the amount of \$367.00 pursuant to Iowa Code § 96.3(7) as the claimant did not receive any severance pay.

DECISION:

The October 5, 2006 reference 04 decision, is reversed. The claimant was not overpaid unemployment insurance benefits in the amount of \$367.00.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

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