

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE A CRETE
Claimant

APPEAL NO. 10A-UI-03153-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 12/28/08
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated February 16, 2010, reference 06, that he was overpaid benefits in the amount of \$12,084 for the 36 weeks ending February 5, 2010, because of the February 5, 2010 department decision that made him ineligible for emergency unemployment compensation benefits effective December 28, 2008. A telephone hearing was held on April 15, 2010. The claimant participated.

ISSUE:

Whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The claimant last worked for Plexus Scientific Corporation (Illinois employer) about November 2008, and he established an Iowa extended (EUC) benefits effective December 28, 2008. The claimant received extended benefits for 36 weeks ending February 6, 2010. A department representative discovered that claimant has a monetarily eligible regular unemployment claim in the State of Illinois effective June 7, 2009. The claimant was able to backdate the Illinois claim to that date, and is receiving benefits on this claim. The claimant received benefits of \$12,084 on his extended benefit claim. The total overpayment has been reduced to \$9,380 as of the date of this hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 the claimant is overpaid benefits in the amount of \$12,084 for federal extension benefits (EUC) through the State of Iowa on his claim effective December 28, 2008.

While the claimant is without fault in this matter, the law allows the department to recover the overpaid extended benefit compensation. There is no relief available for reasons of financial hardship or similar considerations.

DECISION:

The department representative's decision dated February 16, 2010, reference 06, is affirmed. The claimant is overpaid extended benefits (EUC) in the amount of \$12,084, which has been reduced to \$9,380.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw