

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**WALTER C MORRIS**  
Claimant

**APPEAL NO. 15A-UI-08802-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/01/15**  
**Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

Walter C. Morris, the claimant, appealed a representative's decision dated July 28, 2015, reference 02, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$337.00 upon a finding that the claimant incorrectly reported vacation pay. After due notice was provided, a telephone hearing was scheduled for and held on August 26, 2015. Mr. Morris participated personally. Participating as a witness for the claimant was his wife, Michelle Morris.

**ISSUE:**

At issue in this matter is whether Walter Morris has been overpaid job insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds: The overpayment issue in this case was created by a decision that Mr. Morris had incorrectly reported vacation pay and had received unemployment insurance benefits that he was not eligible for because the vacation pay applied to the period the employer designated equaled or exceeded Mr. Morris' benefit amount has now been affirmed. (See appeal number 15A-UI-08801-TN-T).

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 Mr. Morris has been overpaid unemployment insurance benefits in the amount of \$337.00 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now been affirmed.

**DECISION:**

The decision of the representative dated July 28, 2015, reference 02, is affirmed. The claimant is overpaid unemployment insurance benefits in the amount of \$337.00.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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