

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WAYNE M HOLM
Claimant

APPEAL NO. 07A-UI-05245-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/26/06 R: 03
Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

Wayne Holm filed a timely appeal from the May 8, 2007, reference 06, decision that concluded he had been overpaid unemployment insurance benefits in the amount of \$342.00 as a result of a disqualification decision. After due notice was issued, a hearing was held on June 6, 2007. Mr. Holm participated in the hearing. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing an Appeal Number 07A-UI-05244-JTT, and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether Mr. Holm has been overpaid \$342.00 in benefits for one week between April 15, 2007 and April 21, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Iowa Workforce Development dispersed \$342.00 in benefits to Mr. Holm for the benefit week ending April 21, 2007. By means of a May 7, 2007, reference 05, decision, the agency determined that Mr. Holm had refused a recall to suitable employment on April 16, 2007. By means of a decision entered in Appeal Number 07A-UI-05244-JTT, the administrative law judge affirmed the decision denying benefits, because the claimant's appeal of the May 7, 2007, reference 05 decision was untimely.

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.

Because the disqualification decision upon which the overpayment is based has been affirmed, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$342.00 for the benefit week that ended April 21, 2007.

DECISION:

The May 8, 2007, reference 06, decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$342.00.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw