

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFF D TARRANT**  
Claimant

**APPEAL NO. 14A-UI-05795-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/22/13  
Claimant: Appellant (1)**

Section 96.3-7 – Recovery of Overpayment

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated May 28, 2014, reference 02, that held he is overpaid benefits \$1,272 for the three weeks ending March 22, 2014 due to a department April 1 decision that disqualified him. A hearing was held on June 26, 2014. The claimant participated.

**ISSUE:**

The issue is whether the claimant is overpaid benefits.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: Claimant filed a UI claim effective December 22, 2013. Claimant claimed for and received benefits totaling \$848 for the two week period ending January 4, 2014.

Claimant claimed for and received benefits totaling \$1,272 for the period from the week ending March 8, 2014 through the week ending March 22. The department issued a decision dated April 1, 2014, reference 01, that disqualified the claimant as a voluntary quit without good cause from Midwest Construction Services on February 26, 2014 that caused him to be overpaid \$1,272 benefits he had received. Claimant appealed. An Administrative law judge (ALJ) dismissed claimant's appeal on April 29 for his default for failing to participate that meant the employment separation disqualification was affirmed (14A-UI-03725-BT). The claimant filed no further appeal.

**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 that the claimant is overpaid benefits \$1,272 due to a department decision that has been affirmed. The department issued an April 1, 2014 decision that held claimant was disqualified due to a voluntary quit without good cause on February 26, 2014 and that decision has been affirmed in Appeal #14A-UI-03725-BT.

Since claimant did not appeal the April 29, 2014 ALJ decision, it is final. This decision causes claimant to be overpaid benefits.

**DECISION:**

The decision of the representative dated May 28, 2014, reference 02, is affirmed. The claimant is overpaid benefits \$1,272.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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