

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**AMANDA K DEUTSCH**  
Claimant

**APPEAL 18A-UCFE-00008-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/26/17  
Claimant: Appellant (3)**

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

**STATEMENT OF THE CASE:**

Amanda K. Deutsch (claimant) appealed an unemployment insurance decision dated January 22, 2018, reference 11, that concluded she was overpaid \$402.00 in unemployment insurance benefits. A telephone hearing was held on February 21, 2018. Proper notice of the hearing was given to the claimant. The claimant participated. The claimant waived notice on the issue of total and partial unemployment under Iowa Code § 96.19(38) during the hearing. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is a part-time City Carrier Assistant who does not work a set schedule and she knew her hours would vary. She filed an original claim for benefits with an effective date of March 26, 2017 and a reopened date of December 24, 2017. She was laid off from work December 18 through December 22, 2017. She was not assigned any work until Friday, December 29, 2017, and she reported her wages earned that week. She received \$402.00 in unemployment insurance benefits for the week ending December 30, 2017. She then worked the following week earning \$323.00 in wages, which were reported to Iowa Workforce Development (IWD). As a result, the claimant received \$179.00 in unemployment insurance benefits for the week ending January 6, 2018.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in a decision of the administrative law judge in appeal 18A-UCFE-00007-SC-T. In that decision, the administrative law judge found the claimant was not partially unemployed effective December 24, 2017 and benefits were denied for the two-week period ending January 6, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

Iowa Code § 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.

The decision disqualifying the claimant was modified to find her not partially unemployed effective December 24, 2017 which affects the two-week period ending January 6, 2018. The claimant's overpayment must be modified to reflect the change. The claimant has been overpaid \$581.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated January 22, 2018, reference 11, is modified in favor of the respondent. The claimant was overpaid \$581.00 in unemployment insurance benefits, which must be repaid.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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