

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREGORY MOLNAR**  
Claimant

**APPEAL NO. 09A-UI-07190-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/11/09  
Claimant: Appellant (1)**

Iowa Code section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

Gregory Molnar filed an appeal from the April 29, 2009, reference 03, decision that he was overpaid \$1,227.00 in benefits for the three-week period of January 18, 2009 through February 21, 2009 due to a severance pay issue. After due notice was issued, a hearing was held by telephone conference call on June 4, 2009. Mr. Molnar participated. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to Mr. Molnar. The hearing in this matter was consolidated with the hearing in Appeal Number 09A-UI-07189-JTT. The administrative law judge hereby takes official notice of the decision entered in that matter.

**ISSUE:**

Whether Mr. Molnar was overpaid \$1,227.00 in benefits for the three-week period of January 18, 2009 through February 21, 2009.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Gregory Molnar established a claim for benefits that was effective January 11, 2009. Mr. Molnar has received benefits totaling \$3,272.00. This amount includes \$1,227.00 for the three-week period of January 18, 2009 through February 21, 2009.

The overpayment decision on appeal in this matter was prompted by April 24, 2009, reference 02 decision that denied benefits for the five-week period ending February 21, 2009. That decision has been affirmed on appeal due to an untimely appeal. See Appeal Number 09A-UI-07189-JTT.

**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 that prompted the overpayment decision has been affirmed on appeal, the administrative law judge must conclude that Mr. Molnar was overpaid \$1,227.00 in benefits for the three-week period of January 18, 2009 through February 21, 2009.

**DECISION:**

The Agency representative's April 29, 2009, reference 03, decision is affirmed. The claimant was overpaid \$1,227.00 in benefits for the three-week period of January 18, 2009 through February 21, 2009.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw