

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA D KATZENSTEIN
Claimant

APPEAL 15A-UI-11581-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/14/15
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

Claimant appealed the October 15, 2015, (reference 08) unemployment insurance decision that concluded claimant was overpaid unemployment insurance benefits in the amount of \$1305.00 as a result of a October 14, 2015, (reference 07) decision that found claimant refused an offer of work on September 10, 2015. A telephone hearing was held on October 27, 2015, pursuant to due notice. Claimant participated.

ISSUE:

The issue is whether claimant is overpaid benefits for the five-week period ending October 10, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by an October 14, 2015, (reference 07) that found claimant refused a suitable offer of work on September 10, 2015. The job was scheduled to begin on Friday, September 11, 2015.

The administrative record reflects that claimant has received unemployment benefits in the amount of \$1305.00, since refusing an offer of suitable work on September 10, 2015, for five weeks until the week ending October 10, 2015. Even if claimant would have accepted the offer of suitable work, she would have not begun work until Friday, September 11, 2015. Claimant did not work the majority of the week ending September 12, 2015, through no fault of her own.

REASONING AND CONCLUSIONS OF LAW:

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.

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 claimant received benefits to which she was not entitled. However, the overpayment was incorrectly calculated. Claimant has not been overpaid unemployment insurance benefits in the amount of \$1305.00 as stated by the representative's decision. Instead, claimant was overpaid \$1044.00 pursuant to Iowa Code § 96.3(7) because she received benefits to which she was not entitled for four weeks after refusing an offer of suitable work on September 10, 2015.

DECISION:

The October 15, 2015, (reference 08) unemployment insurance decision is modified in favor of the appellant. Claimant has been overpaid unemployment insurance benefits in the amount of \$1044.00 since her refusal of work on September 10, 2015.

Christine A. Louis
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Decision Dated and Mailed

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