

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAUL GILBERT
Claimant

APPEAL 17A-UI-10014-NM

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/03/17
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 3, 2017, reference 04, that concluded he was overpaid \$516.00 in unemployment insurance benefits. The parties were properly notified of the hearing. Pursuant to Iowa Administrative Code rule 871—26.6(6), the administrative law judge consolidated this appeal for hearing along with appeal numbers 17A-UI-09986-NM, 17A-UI-09988-NM, and 17A-UI-10012-NM and held one consolidated hearing, in-person in Des Moines, Iowa, at 9:00 a.m. on November 16, 2017. All parties agreed to the consolidation, and no substantial rights of any party were prejudiced. The claimant Paul Gilbert participated and was represented by attorney Mark Sherinian.

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 filed for and received a total of \$516.00 in unemployment insurance benefits for the week of September 17, 2017. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 17A-UI-10012-NM.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

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.

Since the decision disqualifying the claimant has been reversed, the claimant was not overpaid \$516.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 3, 2017, reference 04, is reversed. The claimant was not overpaid \$516.00 in unemployment insurance benefits.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs