

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**STEVEN L BROKAW**  
Claimant

**APPEAL 16A-UI-10532-DL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/28/16**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant appealed the September 26, 2016, (reference 03), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$502.00 for the one-week period ending September 3, 2016, as a result of a deduction of severance pay from benefits for that week. A telephone hearing was held on October 11, 2016, pursuant to due notice. The claimant participated.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits for the period in question?

**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 ineligibility decision that has been affirmed. Claimant received unemployment insurance benefits in the gross amount of \$502.00 during the one week-ending September 3, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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) (a) 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.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$502.00 pursuant to Iowa Code section 96.3(7) as the ineligibility decision that created the overpayment decision has been affirmed.

**DECISION:**

The September 26, 2016, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$502.00 to which he was not entitled. Those benefits must be recovered in accordance with Iowa law. The amount has been offset during the week-ending September 24, 2016.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs