

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**REID M LOURENS**  
Claimant

**APPEAL 16A-UI-12114-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/03/16  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 11, 2016 (reference 03) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$441.00 for one week ending July 9, 2016. Claimant was properly notified of the hearing. A telephone hearing was held on November 22, 2016. The claimant, Reid M. Lourens, participated personally and through witness Amber Yanney. The administrative law judge took administrative notice of the claimant's unemployment insurance records including the claimant's payments of unemployment insurance benefits and the employer's response to the initial claim.

**ISSUE:**

Is the claimant overpaid benefits for the one week ending July 9, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received benefits in the amount of \$441.00 for the one week ending July 9, 2016. The overpayment issue in this case was created by a decision which found that claimant was not eligible to receive a reduced unemployment insurance benefit for week ending July 9, 2016 because of the combination of wages and vacation pay exceeded his weekly benefit amount. That decision has now been affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 the claimant has been overpaid unemployment insurance benefits in the amount of \$441.00 pursuant to Iowa Code § 96.3(7) as the decision that created the overpayment decision has been affirmed.

**DECISION:**

The October 11, 2016 (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$441.00 to which he was not entitled. Those benefits must be recovered in accordance with Iowa law.

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Dawn R. Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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