

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIKAELA L COSPER
Claimant

APPEAL NO: 18A-UI-10887-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/02/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 1, 2018, (reference 02) that concluded she was overpaid \$1,436.00 in unemployment insurance benefits. After proper notice, a telephone hearing was held on November 19, 2018. The hearing was held jointly with Appeal 18A-UI-10886-JC-T. The claimant participated personally.

After the hearing, the claimant sent the Appeals Bureau additional documents in support of her hearing. The hearing notice contained explicit instructions on how to submit documentation prior to the hearing. At the hearing, the claimant stated she had not submitted documents because she failed to read the hearing notice until right before the hearing. Accordingly, the claimant's documents were not considered or given any weight in making the decision. The administrative law judge took official notice of the administrative records including the fact-finding documents and benefits received. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 2, 2018. The claimant filed for and received a total of \$1,436.00 in unemployment insurance benefits for the weeks between September 2, 2018 and September 29, 2018.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 18A-UI-10886-JC-T.

REASONING AND CONCLUSIONS OF LAW:

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

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,436.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated November 1, 2018, (reference 02), is affirmed. The claimant was overpaid benefits in the amount of \$1,436.00 which must be repaid.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn