

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORA A BURT**  
Claimant

**APPEAL NO. 07A-UI-09632-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/02/07 R: 03  
Claimant: Appellant (1)**

Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

Lora Burt filed a timely appeal from the October 12, 2007, reference 03, decision that she was overpaid \$248.00 in benefits. After due notice was issued, a hearing was held on October 30, 2007. Ms. Burt participated. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant. The hearing in this matter was consolidated with the hearing in Appeal Number 07A-UI-09631-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

**ISSUE:**

Whether the claimant has been overpaid \$248.00 for five weeks between September 2, 2007 and October 6, 2007.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lora Burt established a claim for benefits that was effective September 2, 2007 and received benefits totaling \$248.00 for five weeks between September 2, 2007 and October 6, 2007. On October 11, 2007, a claims representative entered a reference 02 decision denying benefits based on a voluntary quit without good cause attributable the employer. The reference 02 decision denying benefits prompted the overpayment decision at issue in this matter. The decision denying benefits has been affirmed on appeal. See Appeal Number 07A-UI-09631-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

Because the decision that prompted the overpayment decision has been affirmed on appeal, the administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$248.00 for five weeks between September 2, 2007 and October 6, 2007.

**DECISION:**

The October 12, 2007, reference 03, overpayment decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$248.00.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css