DOUGLAS O MOTTERN
Claimant

**IOWA WORKFORCE DEVELOPMENT
  DEPARTMENT**

APPEAL 17A-UI-12091-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/13/17
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 22, 2017, (reference 09), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of $455.00 for the one week ending November 4, 2017. After due notice was issued, a telephone conference hearing was scheduled to be held on December 15, 2017. 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 claimant received benefits in the amount of $455.00 for the one week ending November 4, 2017. The claimant was found overpaid benefits due to a reference 07 decision that denied benefits during the one week ending November 4, 2017. That decision was affirmed in Appeal Number 17A-UI-12088-CL-T. Claimant has since repaid the benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has been 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.

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 $455.00 pursuant to Iowa Code § 96.3(7) as the ineligibility decision that created the overpayment decision has been affirmed.

DECISION:

The November 22, 2017, (reference 09) unemployment insurance decision is affirmed. The claimant was overpaid unemployment insurance benefits in the amount of $455.00. Claimant has since repaid the benefits.

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Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn