

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**NIKKA PIVIC**  
Claimant

**APPEAL 18A-UI-07357-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/06/18**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Nikka Pivic (claimant) appealed an unemployment insurance decision dated July 3, 2018, reference 04, which concluded she was overpaid \$2,450.00 in unemployment insurance benefits. A telephone hearing was held on July 27, 2018. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. The claimant's Exhibit A was admitted into the record. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Has the claimant been overpaid benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 6, 2018. The claimant filed for and received a total of \$2,450.00 in unemployment insurance benefits for the seven weeks between May 6, 2018 and June 23, 2018.

The unemployment insurance decision that allowed the claimant to receive unemployment insurance benefits was reversed in a decision of the administrative law judge (ALJ) in appeal 18A-UI-06363-DB-T. The claimant appealed the ALJ's decision to the Employment Appeal Board (EAB). The administrative record shows, that on July 26, 2018, the EAB affirmed the ALJ's decision which disqualified the claimant from receiving unemployment insurance benefits effective May 6, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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.

Since the ALJ's decision disqualifying the claimant has been affirmed by the EAB, the claimant was overpaid \$2,450.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated July 3, 2018, reference 04, is affirmed. The claimant was overpaid \$2,450.00 in unemployment insurance benefits, which must be repaid.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

src/rvs