

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BARABAR A HANSEN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 15A-UI-12037-SC

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/15
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 20, 2015 (reference 11) that concluded she was overpaid \$1,597.07 in unemployment insurance benefits. A hearing was held on December 16, 2015 at the Iowa Workforce Development office located at 1000 East Grand Avenue in Des Moines, Iowa. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing through Marlon Mormann, Attorney at Law. 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 March 22, 2015. The claimant filed for and received a total of \$1,597.07 in unemployment insurance benefits for the weeks between August 23, 2015 and September 26, 2015.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in favor of appellant in a decision of the administrative law judge in Appeal No. 15A-UI-12036-SC.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was 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.

Since the decision disqualifying the claimant has been modified in her favor, the claimant was not overpaid \$1,597.07 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 20, 2015 (reference 11) is reversed. The claimant was not overpaid \$1,597.07 in unemployment insurance benefits.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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