

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**WILLIAM G GAUL**  
Claimant

**APPEAL 17A-UI-06871-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/12/17**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 29, 2017 (reference 05) unemployment insurance decision that found claimant was overpaid benefits in the amount of \$5,236.00 for fourteen weeks between March 12, 2017 and June 17, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on July 26, 2017. The claimant, William G. Gaul, participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid benefits?

**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 \$5,236.00 for fourteen weeks between March 12, 2017 and June 17, 2017. The overpayment issue in this case was created by a disqualification decision that was issued by Administrative Law Judge ("ALJ") Duane L. Golden on April 26, 2017 (See 17A-UI-03487-DG-T). ALJ Golden's decision was reversed by the Employment Appeal Board ("EAB") on May 31, 2017 finding that claimant did not voluntarily quit and that claimant was not overpaid benefits (See 17B-UI-03487). No appeal was filed in district court challenging the EAB's decision, which is final agency action.

The claimant's administrative records show that the decision of the EAB was incorrectly entered into the computer system as an affirmance of ALJ Golden's decision instead of a reversal of ALJ Golden's decision. The decision dated June 29, 2017 (reference 05) finding that the claimant was overpaid benefits of \$5,236.00 appears to have been entered by the agency in error. Further, the claim was locked and claimant was not paid benefits for the one-week period ending June 24, 2017 due to the records showing an erroneous disqualification.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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 not been overpaid unemployment insurance benefits of \$5,236.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment has been reversed by the EAB. Further, any benefits owed to claimant for the week ending June 24, 2017 shall be paid, provided he was otherwise eligible.

**DECISION:**

The June 29, 2017 (reference 05) unemployment insurance decision is reversed. The claimant has not been overpaid unemployment insurance benefits in the amount of \$5,236.00. Claimant shall be paid benefits owed for week ending June 24, 2017, so long as he was otherwise eligible.

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Dawn R. Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs