

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOROTHY E GASS

Claimant

APPEAL NO. 16A-UI-05373-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/28/15

Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

Dorothy Gass, the claimant, appealed a representative's decision dated May 3, 2016, reference 10, that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$405.00 for one week between March 27, 2016 and April 2, 2016 because of a decision that disqualified the claimant for voluntarily leaving employment with CIT Signature Transport. After due notice was provided, a telephone hearing was held on May 25, 2016 at which time claimant participated.

ISSUE:

At issue in this matter is whether Dorothy E. Gass has been overpaid job insurance benefits.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record, finds: The overpayment issue in this case was created by a disqualification decision that has now become final. Both the claimant, Ms. Gass, and the employer, CIT Signature Transport, has filed an appeal from a representative's decision dated April 5, 2016, reference 07, which held the claimant eligible to receive unemployment insurance benefits from March 20, 2016 until April 2, 2016 finding that the claimant had resigned but was terminated by the employer before the effective date of the resignation for no disqualifying reason but disqualified the claimant thereafter for voluntarily quitting employment without good cause attributable to the employer. The employer responded to the notice of hearing and participated at the unemployment hearing in this matter. The claimant received the notice of hearing and did not participate in the hearing because she had not read the instructions to provide her telephone number to participate. On April 27, 2016, the administrative law judge decision was entered modifying the representative's decision dated April 5, 2016, reference 07, finding the claimant eligible to receive unemployment insurance benefits for only one week instead of two weeks because the claimant had changed the effective date of her resignation prior to being discharged. The administrative law judge decision dated April 27, 2016, was not appealed and became final by operation of law.

REASONING AND CONCLUSIONS OF LAW:

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 section 96.8, subsection 5. . . .

The administrative law judge concludes the claimant is overpaid unemployment insurance benefits in the amount of \$405.00 for one week between March 27, 2016 and April 2, 2016 pursuant to Iowa Code section 96.3-7 as the disqualification decision that created the overpayment decision has now become final by operation of law.

DECISION:

The decision of the representative dated May 3, 2016, reference 10, is affirmed. Claimant is overpaid unemployment insurance benefits in the amount of \$405.00.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs