

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATT H INBODY
Claimant

APPEAL NO: 13A-UCFE-00051-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/29/13

Claimant: Appellant (1)

Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Matt H. Inbody (claimant) appealed a representative's November 18, 2013 decision (reference 01) that concluded he had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 23, 2013. The claimant participated in the hearing. This appeal was consolidated for hearing with one related appeal, 13A-UI-13174-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision affirming the representative's decision that the claimant was overpaid unemployment insurance benefits.

ISSUE:

Was the claimant overpaid unemployment insurance benefits of \$869.00?

FINDINGS OF FACT:

As determined in the concurrently issued decision in 13A-UI-13174-DT, the claimant had originally established a claim for unemployment insurance benefits effective September 29, 2013, and his weekly benefit amount was set as \$439.00 per week.

He filed weekly continued claims for two weeks, the weeks ending October 5 and October 12, 2013. For the week ending October 5 he reported a partial wage in the amount of \$118.00 and so received a reduced gross weekly benefit amount in the amount of \$430.00. For the week ending October 12 he had no partial wages to report, and so received the full gross weekly benefit amount of \$439.00. Therefore, the gross total of benefits received was \$869.00. The claimant then cancelled his claim, so this amount was determined to have been overpaid. The claimant challenges the amount of the calculation because the amount actually deposited into his account was less than \$800.00; this was due to the fact that income tax withholdings were taken from the benefit payments before the benefits were deposited into the claimant's account.

REASONING AND CONCLUSIONS OF LAW:

An underlying disqualification can result in an overpayment of unemployment insurance benefits.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, because the decision causing the disqualification has now been affirmed, the claimant has received benefits but was ineligible for those benefits.

While the claimant does not challenge the net amount of the benefits which were paid to him, he questions why the gross amount is less than the net amount. Even if the payments for the net amount of benefits are repaid, the Agency is without authority to undo the tax withholding. The claimant will receive an appropriate tax document so that the withheld tax may be factored into the claimant's 2013 tax return. If the claimant files 2013 tax returns, the amounts withheld will be deducted from the claimant's tax liability or refunded to the claimant, depending on whether he must pay an additional tax or is entitled to a tax refund.

Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law. The administrative law judge concludes that the claimant is overpaid benefits of \$869.00 pursuant to Iowa Code § 96.3-7.

DECISION:

The representative's November 18, 2013 decision (reference 01) is affirmed. The claimant is overpaid benefits of \$869.00.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs