

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DARCIE M OELBERG**  
Claimant

**APPEAL 17A-UI-02451-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 24, 2017, (reference 03) unemployment insurance decision that found she was overpaid benefits in the amount of \$1,012.00 for the two weeks beginning January 8 and ending January 21, 2017. Following the issuance of due notice, a telephone hearing was held on March 28, 2017. The claimant participated.

**ISSUES:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was awarded weekly gross benefits in the amount of \$506.00 beginning the week of January 1, 2017. While making her weekly claim for the week beginning January 8, 2017, claimant indicated she refused a reasonable offer of work. Claimant was paid \$1,012.00 in unemployment insurance benefits between January 8 and January 21, 2017. The unemployment insurance decision that determined the claimant's was not eligible to receive benefits for those weeks was affirmed in a decision of the administrative law judge in appeal 17A-UI-02449-NM-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes 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.

b. (1) (a) 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.

Since the decision finding claimant was not eligible for benefits for the weeks beginning January 8 and ending January 21, 2017 has been affirmed, claimant received gross benefits of \$1,012.00 for the two-week period ending January 21, 2017, to which she was not entitled. Those benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The February 24, 2017, (reference 03) unemployment insurance decision is affirmed. The claimant is overpaid benefits in the amount of \$1,012.00 and is obligated to repay the agency those benefits.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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