

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GEORGE H BENDERA
Claimant

APPEAL 19A-UI-08182-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/01/19
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant/appellant, George H. Bendera, filed an appeal from the October 17, 2019, (reference 03) unemployment insurance decision that concluded the claimant was overpaid \$1,852.00 in unemployment insurance benefits. The claimant was properly notified about the hearing. A telephone hearing was held on October 28, 2019. The hearing was held jointly with Appeal 19A-UI-07819-JC-T. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibits A and B were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 1, 2019. The claimant filed for and received a total of \$1,852.00 in unemployment insurance benefits for the weeks between September 1, 2019 and September 28, 2019.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 19A-UI-07819-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code section 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 reversed, the claimant was not overpaid \$1,852.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 17, 2019, reference 03, is reversed. The claimant was not overpaid unemployment insurance benefits.

Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

jlb/scn