

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE M GUTHERY
Claimant

APPEAL NO. 14A-UI-06952-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/18/14
Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated June 23, 2014, reference 05, that held she is overpaid benefits \$585 for the three weeks ending June 7, 2014 due to a department June 18, 2014 decision that disqualified her. A hearing was held on July 30, 2014. The claimant did not participate.

ISSUE:

The issue is whether the claimant is overpaid benefits.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds that: Claimant filed a UI claim effective May 18, 2014. She claimed for and received unemployment benefits totaling \$585 for the three weeks ending June 7, 2014. The department issued a decision dated June 18, 2014, reference 03, that disqualified the claimant for voluntarily quitting employment without good cause at All Ages Care Service, and it caused her to be overpaid \$585. The decision has been affirmed (appeal number 14A-UI-06951-ST).

The claimant failed to respond to the hearing notice. There is no record claimant called UI Appeals on the C2T control system with a telephone number to be contacted for the hearing.

REASONING AND CONCLUSIONS OF LAW:

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.

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 claimant is overpaid benefits \$585 due to a department decision that has been affirmed. The department issued a June 18, 2014 decision that disqualified claimant and that decision has been affirmed in appeal number 14A-UI-06951-ST.

DECISION:

The decision of the representative dated June 23, 2014, reference 05, is affirmed. The claimant is overpaid benefits \$585.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css