

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD E MUSUMHI
Claimant

APPEAL 17A-UI-10431-CL-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/14/17
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 10, 2017, (reference 07) unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$198.00 for the one week ending September 23, 2017. After due notice was issued, a telephone conference hearing was set for October 31, 2017. Claimant participated. Claimant's Exhibits A and B were received.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the gross amount of \$198.00 for the one week ending September 23, 2017. Claimant was found ineligible for benefits during the one week ending September 23, 2017, and therefore was found overpaid benefits. The ineligibility decision was affirmed in 17A-UI-10429-CL-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has been 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.

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 ineligibility decision has now been affirmed, the administrative law judge finds the claimant has been overpaid unemployment insurance benefits in the amount of \$198.00 for the one week ending September 23, 2017.

DECISION:

The October 10, 2017, (reference 07) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$198.00 for the one week ending September 23, 2017.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn