

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Myron E. Pease received unemployment insurance benefits for the weeks beginning August 21, 2005 and ending September 17, 2005. He also worked part time during these weeks. In filing his weekly claims for unemployment insurance benefits, he estimated incorrectly his gross weekly earnings. As a result of this, he received a net of \$501.00 more in unemployment insurance benefits than he should have received. Mr. Pease continued filing weekly claims through the week ending October 22, 2005. Benefits for these weeks have been used to reduce his overpayment to \$284.00.

REASONING AND CONCLUSIONS OF LAW:

The claimant requested that the overpayment be waived because he acted in good faith. The administrative law judge concludes that he cannot grant this relief.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. 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.

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.

The statute provides that unemployment insurance benefits paid in error must be repaid to the agency, even if the individual is not at fault for the overpayment. While it is clear that Mr. Pease acted in good faith and not with the intent to defraud the system, the fact remains that he received more in unemployment insurance benefits than he was legally entitled to receive. The statute requires that the overpayment be recovered. Mr. Pease has repaid a portion of the original amount so that he now owes the agency \$284.00.

DECISION:

The unemployment insurance decision dated October 12, 2005, reference 06, is affirmed. The claimant has been overpaid by \$501.00. The overpayment has been reduced to \$284.00 as of the date of this decision.

dj/kjw