

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRUCE A SMITH
Claimant

APPEAL 15A-UI-13933-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/30/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 11, 2015, (reference 03), unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$4956.00 for the fourteen-week period ending December 5, 2015, as a result of a disqualification decision. After due notice was issued, a telephone hearing was scheduled and held on January 12, 2016, pursuant to due notice. The claimant participated.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by the disqualification decision issued on December 3, 2015 by the Employment Appeal Board. Claimant received benefits in the gross amount of \$4956.00 during a fourteen-week period between August 30, 2015 and December 5, 2015.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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) 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 that the claimant has been overpaid unemployment insurance benefits in the amount of \$4956.00 pursuant to Iowa Code § 96.3(7) by the disqualification decision issued by the Employment Appeal Board on December 3, 2015.

DECISION:

The December 11, 2015, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$4956.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/css