

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA M FREESE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-14666-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

Jessica M Freese, the claimant/appellant, filed an appeal from the July 6, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits in the amount of \$3,276.00. Ms. Freese was properly notified of the hearing. A telephone hearing was held on July 9, 2021. Ms. Freese participated and testified. Official notice was taken of the administrative record.

ISSUES:

Has Ms. Freese been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Freese received REGULAR UI benefits in the amount of \$3,267.00 for seven weeks between June 7, 2020 and July 25, 2020.

On August 25, 2020, Iowa Workforce Development issued a reference 01 decision finding Ms. Freese was not eligible for REGULAR UI benefits. The administrative law judge's decision in Appeal 21A-UI-11358-DZ-T affirmed the reference 01 decision.

Ms. Freese applied for federal Pandemic Unemployment Assistance (PUA) benefits on June 1, 2020. Iowa Workforce Development has not made a decision on Ms. Freese's application.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Freese has been overpaid REGULAR UI benefits.

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) (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.

Ms. Freese has been overpaid REGULAR UI benefits in the amount of \$3,276.00 for the seven weeks between June 7, 2020 and July 25, 2020, since she was not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the August 25, 2020, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-11358-DZ-T

DECISION:

The July 6, 2021, (reference 03) unemployment insurance decision is affirmed. Ms. Freese has been overpaid REGULAR UI benefits in the amount of \$3,267.00, which must be repaid.

REMAND:

The issue of whether Ms. Freese is eligible for PUA benefits is remanded to the Benefits Bureau of Iowa Workforce Development for investigation and a decision.



Daniel Zeno
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July 21, 2021
Decision Dated and Mailed

dz/scn