

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUZAN R TALIAFERRO
Claimant

APPEAL NO. 22A-UI-01309-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (1)

Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits
Fed Law PL 116-136, Sec. 2102 – PUA Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 9, 2021, reference 01, decision that found claimant to have been overpaid benefits. After due notice was issued, a hearing was held on February 7, 2022. The claimant did participate. Claimant agreed to waive time and notice and allow in the issue of state overpayment of benefits at the hearing.

ISSUES:

Whether claimant is overpaid Pandemic Unemployment Assistance (PUA) 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 a ruling claimant was improperly paid PUA benefits by being paid multiple times for one week. Claimant was deemed to have been overpaid \$1,015.00 in PUA unemployment benefits for the 2 weeks ending July 4, 2020. Claimant admitted to receiving these payments.

Looking through CID documents in this matter, claimant did receive four payments for the week ending June 27, 2020 and three payments for the week ending July 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall

take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

Iowa Code section 96.3(7)a-b, as amended in 2008, provides:

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. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

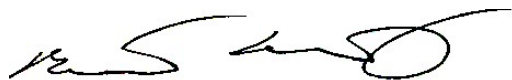
(b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

The administrative law judge concludes that claimant was overpaid PUA benefits in the amount of \$1,015.00 for the two weeks ending July 4, 2020, as the claimant was paid multiple times for the weeks in question.

DECISION:

The unemployment insurance decision dated December 9, 2021, (reference 01), is affirmed. The claimant was overpaid \$1,015.00 in Pandemic Unemployment Assistance (PUA) benefits.



Blair A. Bennett
Administrative Law Judge

February 25, 2022
Decision Dated and Mailed

bab/kmj

NOTE TO CLAIMANT:

- This decision determines you have been overpaid PUA benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319

- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.