

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TINA BICKHAM
Claimant

APPEAL NO. 21A-UI-11935-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

On April 19, 2021, Tina Bickham (claimant/appellant) appealed the April 13, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6001.00 for the 15 weeks between April 26 and August 8, 2020, as a result of decisions finding claimant ineligible for benefits during that time.

A telephone hearing was held on July 19, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$481.00 per week for a total of five weeks, from the benefit week ending May 2, 2020 and continuing through the benefit week ending May 30, 2020. The total amount of regular, state unemployment insurance benefits paid during this period is \$2,405.00. Claimant received benefits totaling \$3,596.00 from the benefit week ending June 6, 2020 through the benefit week ending August 8, 2020.

Claimant was subsequently determined to be ineligible for benefits during this period in decisions dated August 20 and 25, 2020. Two of those decisions have now been modified to allow benefits from the benefit week ending May 2, 2020 through the benefit week ending May 30, 2020 See 21A-UI-11932-AD-T; 21A-UI-11933-AD-T. A third decision denying benefits from the benefit week ending June 6, 2020 through the benefit week ending August 8, 2020 has now been affirmed. See 21A-UI-11934-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the April 13, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6001.00 for the 15 weeks between April 26 and August 8, 2020 is MODIFIED in favor of appellant.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

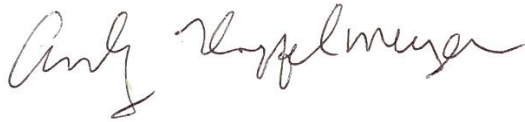
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

Because claimant is eligible for benefits from May 2, 2020 through May 30, 2020, she was not overpaid during that period. However, because claimant received benefits totaling \$3,596.00 for which she was later found ineligible, she has been overpaid in that amount. This is true even where, as here, the claimant acted in good faith and was not otherwise at fault.

DECISION:

The April 13, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$6001.00 for the 15 weeks between April 26 and August 8, 2020 is MODIFIED in favor of appellant. The overpayment amount is \$3,596.00.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

July 30, 2021
Decision Dated and Mailed

abd/lj

Note to Claimant:

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.

If this decision determines you have been overpaid FPUC and/or PEUC, you may request a waiver of the overpayment. Instructions for requesting a waiver can be found 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.