

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA L HISE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-01493-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On December 21, 2021, the claimant/appellant filed an appeal from the December 15, 2021, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$672.00 as a result of a disqualification decision. The appellant was properly notified of the hearing. A telephone hearing was held on February 8, 2022. The hearing was held together with appeals 22A-UI-01492-CS-T and 22A-UI-01494-CS-T and combined into one record. The claimant participated. Administrative notice was taken of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020. Claimant was not monetarily eligible for benefits with a claim effective date of March 29, 2020. When the new quarter occurred in April 2020 a new claim effective April 5, 2020, was filed for claimant to determine if she was eligible for benefits. Claimant was deemed monetarily eligible in the new claim filed for claimant.

The claimant filed for and received a total of \$672.00 in unemployment insurance benefits for the weeks between March 29, 2020 and December 19, 2020, for the claim that was attempted March 29, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits in the attempted claim year of March 29, 2020 has been affirmed in a decision of the administrative law judge in appeal 22A-UI-01492-CS-T.

The claimant has been allowed benefits if she is otherwise eligible in her April 4, 2020, unemployment claim in appeals: 22A-UI-01495-CS-T, 22A-UI-01496-CS-T, and 22A-UI-01497-CS-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid unemployment insurance 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$672.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated December 15, 2021 (reference 04), is affirmed. The claimant was overpaid \$672.00 in unemployment insurance benefits, which must be repaid.

REMAND:

The issue of whether claimant is owed any outstanding state unemployment benefits is remanded to the Benefits Bureau for a determination. The Department shall use outstanding payments due to claimant to offset any overpayment to the extent allowed by the law.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 28, 2022
Decision Dated and Mailed

cs/mh