

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANDREW K MARTIN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22A-UI-09402-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On April 14, 2022, the claimant Andrew K. Martin appealed the April 6, 2022, (reference 03) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$1,062.00 for the two-week period ending August 15, 2020. The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Friday, May 27, 2022. Appeal numbers 22A-UI-09402-LJ-T and 22A-UI-09403-LJ-T were heard together and created one record. The claimant, Andrew K. Martin, participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant opened a claim for benefits effective July 5, 2020. His weekly benefit amount was \$531.00. Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$1,062.00 for two-week period ending August 15, 2020. On August 3, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed. See 21A-UI-09402-T.

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.

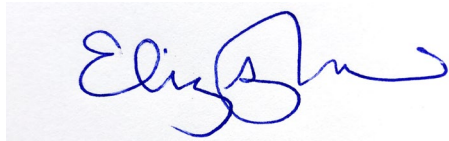
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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) (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 administrative law judge concludes that the claimant has been overpaid regular unemployment insurance benefits in the amount of \$1,062.00. That amount must be repaid to the agency.

DECISION:

The April 6, 2022 (reference 03) decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits, and those benefits must be repaid to the agency.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

June 1, 2022
Decision Dated and Mailed

lj/lj