

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILLIAM A WILKERSON
Claimant

APPEAL NO: 21A-UI-13449-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin Code chapter 25- Benefit Payment Control

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 27, 2021, (reference 02) unemployment insurance decision that concluded he was overpaid \$7,416.00 in regular unemployment insurance benefits.. After proper notice, a telephone hearing was conducted on August 4, 2021. The hearing was held together with Appeal 21A-UI-13450-JC-T. The claimant participated. Official notice of the administrative records was taken.

ISSUE:

Has the claimant been overpaid any unemployment insurance benefits?

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. The claimant filed for and received a total of \$7,416.00 in regular state unemployment insurance benefits for the weeks between March 29, 2020 and July 4, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 20A-UI-08166-S1-T.

The claimant is currently approved for Pandemic Unemployment Assistance (PUA). Whether the PUA benefits should be used to partially offset the overpayment of regular benefits has not yet been reviewed by the Benefits Bureau.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid regular benefits.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$7,416.00 in unemployment insurance benefits.

Whether the PUA benefits should be used to partially offset the overpayment of regular benefits is remanded to the Benefits Bureau for an initial review.

DECISION:

The unemployment insurance decision dated May 27, 2021, (reference 02), is **AFFIRMED**. The claimant was overpaid \$7,416.00 in regular, state unemployment insurance benefits.

REMAND: Whether the PUA benefits should be used to partially offset the overpayment of regular benefits is remanded to the Benefits Bureau for an initial review.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

August 9, 2021
Decision Dated and Mailed

jlb/lj

Note to Claimant:

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>