

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REGAN BRISKER
Claimant

APPEAL 21A-UI-21256-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Regan Brisker, the claimant/appellant, filed an appeal from the September 7, 2021, (reference 02) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits (UI) in the amount of \$284.00. Ms. Brisker was properly notified of the hearing. A telephone hearing was held on November 19, 2021. Ms. Brisker participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Brisker been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Brisker filed an initial claim for REGULAR UI benefits effective March 22, 2020. She filed weekly claims from March 22, 2020 through June 6, 2020.

Over seven months after she filed her initial claim, and she had already received REGULAR UI benefits, IWD issued a decision dated November 5, 2020, (reference 01) finding Ms. Brisker not eligible for REGULAR UI benefits as of May 10, 2020. Ms. Brisker appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-20255-DZ-T, affirmed the reference 01 decision.

Ms. Brisker had received REGULAR UI benefits in the amount of \$284.00 for four weeks between May 10, 2020 and June 6, 2020. Since Ms. Brisker had already received REGULAR UI benefits, but she was not eligible for those benefits IWD issued the reference 02 decision appealed in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Brisker has been overpaid REGULAR UI 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.

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.

Per Iowa law, Ms. Brisker has been overpaid REGULAR UI benefits in the amount of \$284.00 for four weeks between May 10, 2020 and June 6, 2020. Ms. Brisker has been overpaid REGULAR UI benefits because she is not qualified and/or eligible to receive REGULAR UI benefits during the weeks listed above per the November 5, 2020, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 21A-UI-21255-DZ-T.

DECISION:

The September 7, 2021, (reference 02) unemployment insurance decision is affirmed. Ms. Brisker has been overpaid REGULAR UI benefits in the amount of \$284.00, which must be repaid.



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

December 29, 2021
Decision Dated and Mailed

dz/scn

NOTE TO MS. BRISKER:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **You can still apply for PUA benefits at the link above if your initial claim for benefits was filed before June 12, 2021.** Your initial claim for benefits was filed on March 22, 2020.