

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONAY PRICE
Claimant

APPEAL 21A-UI-17192-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/12/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

Jonay Price, the claimant/appellant, filed an appeal from the July 27, 2021, (reference 10) unemployment insurance decision that concluded she was overpaid REGULAR unemployment insurance benefits (UI) in the amount of \$360.00. Ms. Price was properly notified of the hearing. A telephone hearing was held on September 29, 2021. Ms. Price participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Price been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Price received REGULAR UI benefits in the amount of \$1,128.00 for 6 weeks between July 12, 2020 and August 22, 2020.

On September 2, 2020, Iowa Workforce Development issued a reference 01 decision finding Ms. Price was not eligible for REGULAR UI benefits due to a voluntary quit. The administrative law judge's decision in Appeal 21A-UI-17191-DZ-T affirmed the reference 01 decision.

Ms. Price applied for Pandemic Unemployment Assistance (PUA) benefits on December 2, 2020. Iowa Workforce Development has not made a decision on Ms. Price's PUA applications.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Price 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.

Ms. Price has been overpaid REGULAR UI benefits in the amount of \$1,128.00 for 6 weeks between July 12, 2020 and August 22, 2020, since she was not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the September 2, 2020, (reference 01) decision.

DECISION:

The July 27, 2021, (reference 10) unemployment insurance decision is affirmed. Ms. Price has been overpaid REGULAR UI benefits in the amount of \$1,128.00, which must be repaid.

REMAND:

This matter is remanded (sent back) to the Benefits Bureau of Iowa Workforce Development to determine whether Ms. Price is eligible for PUA (federal) benefits, and if so, to recover the overpayment of REGULAR UI benefits from the PUA benefits Ms. Price is owed to the greatest extent possible.



Daniel Zeno
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September 30, 2021
Decision Dated and Mailed

dz/kmj