

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATHAN L SANDERS
Claimant

APPEAL 21A-UI-22463-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/06/20
Claimant: Appellant (1)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant Nathan L. Sanders appealed a representative's decision dated October 6, 2021, (reference 02) that concluded the claimant was overpaid Pandemic Unemployment Assistance (PUA) benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 3, 2022, and was consolidated with the hearing for appeal 21A-UI-22464-S2-T. The claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On December 6, 2020, claimant filed a claim for regular unemployment insurance benefits. He received benefits for the two weeks ending December 19, 2020. Claimant then received PUA benefits in the gross amount of \$417.00 for the one-week period ending April 17, 2021, due to an agency error.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid PUA 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.

Here, claimant received a PUA payment for a week in which he did not file a weekly claim, and which was paid out due to an agency error. The administrative law judge concludes that the claimant has been overpaid PUA benefits in the amount of \$417.00 pursuant to Iowa Code § 96.3(7).

DECISION:

The decision of the representative dated October 6, 2021, (reference 02) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$417.00 to which he was not entitled, and those benefits must be recovered in accordance with the law.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 31, 2022
Decision Dated and Mailed

sa/scn