

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**JOANNE HERMISTON**  
Claimant

**APPEAL NO: 21A-UI-15585-SN-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:**

The claimant filed an appeal from the July 1, 2020, (reference 02) unemployment insurance decision that concluded she was overpaid \$10,050.00 in regular unemployment insurance benefits. After proper notice, a telephone hearing was conducted on September 3, 2021. The hearing was held jointly with appeal 21A-UI-15586-SN-T and 21A-UI-15587-SN-T. The claimant participated. Official notice of the administrative records was taken.

**ISSUES:**

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 22, 2020.

The claimant filed for and received a total of \$10,050.00 in regular, state unemployment insurance benefits for the 21 weeks between March 22, 2020 and August 15, 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 21A-UI-10834-JC-T.

During the hearing, this administrative law judge believed the claimant was paid in error due to non-participation of the employer during fact finding. After further research, the administrative law judge found that the claimant was issued payment before any fact finding was conducted in the wake of the Covid19 pandemic. It was not until August 2020, that a representative found the claimant was not eligible for unemployment.

The claimant testified she had filed for Pandemic Unemployment Assistance and had not received a decision regarding her PUA claim, despite speaking with several representatives as

late as July 2021. The administrative law judge discovered the claimant was denied PUA on January 9, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

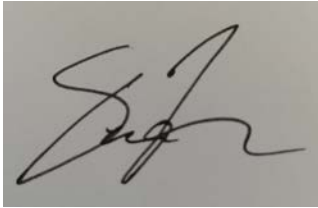
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

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 employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$10,050.00 in unemployment insurance benefits. Since the representative determined she is ineligible in the first instance, Iowa Code 96.(3)7(b) listed above does not excuse her from repaying these benefits.

**DECISION:**

The unemployment insurance decision dated July 1, 2020, (reference 02), is affirmed. The claimant was overpaid \$10,050.00 in regular, state unemployment insurance benefits.



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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

September 14, 2021  
Decision Dated and Mailed

smn/scn

*Note to Claimant:* You may file an appeal regarding your PUA claim by sending an email to [Ulappealshelp@iwd.iowa.gov](mailto:Ulappealshelp@iwd.iowa.gov), a facsimile to 515-478-3528 or by using at the online appeal portal at <https://www.iowaworkforcedevelopment.gov/ui-appeal>.