

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACK D WILKES
Claimant

APPEAL 20A-UI-15987-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On November 13, 2020, the claimant filed an appeal from the October 26, 2020, (reference 03) unemployment insurance decision that found claimant overpaid regular unemployment insurance benefits. The claimant was notified about the hearing. A telephone hearing was held on February 1, 2021. Claimant participated.

ISSUES:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received regular unemployment insurance benefits in the amount of \$276.00 for the two weeks ending April 26, 2020. An administrative law judge found claimant is not eligible for regular unemployment insurance benefits for those two weeks and claimant has not appealed that decision. However, on October 30, 2020, Iowa Workforce Development approved claimant for PUA benefits in the amount of \$260.00 per week effective April 12, 2020. Iowa Workforce Development has not released those funds to claimant.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid REGULAR unemployment insurance benefits in the amount of \$276.00 for the two weeks ending April 26, 2020, as he was ineligible for regular unemployment insurance benefits. However, Iowa Workforce Development later approved claimant for PUA benefits in the amount of \$520.00 for the two weeks ending April 26, 2020, and those funds have not been released to claimant. This matter will be remanded to the Benefits Bureau of Iowa Workforce Development for the PUA benefits to be released to claimant as soon as possible.

DECISION:

The October 26, 2020, (reference 03) unemployment insurance decision is affirmed. The claimant has been overpaid regular unemployment insurance benefits in the amount of \$276.00.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for the PUA funds owed to claimant to be released as soon as possible.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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February 16, 2021
Decision Dated and Mailed

cal/kmj