

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARY E OBRIEN**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-01121-AW-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20  
Claimant: Appellant (1)**

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PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance  
Iowa Code § 96.3(7) – Payment – Overpayment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the December 10, 2021 unemployment insurance decision that found claimant was overpaid Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on February 3, 2022. Claimant participated. Claimant's husband, Kelly O'Brien, participated as claimant's non-attorney representative. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid PUA benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant received PUA benefits in the gross amount of \$203.00 for the week ending July 4, 2020; Iowa Workforce Development (IWD) authorized the payment for direct deposit into claimant's account on July 8, 2020.

Claimant received PUA benefits in the gross amount of \$406.00 for the two-week period ending July 11, 2020; IWD authorized the payment for direct deposit into claimant's account on July 14, 2020. This payment reflects \$203.00 for the week ending July 4, 2020 and \$203.00 for the week ending July 11, 2020.

As a result, claimant received two PUA payments for the benefit week ending July 4, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

*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.

In this case, claimant received double PUA benefits. Accordingly, claimant has received PUA benefits to which claimant was not entitled. The administrative law judge concludes claimant has been overpaid PUA benefits in the amount of \$203.00. Those benefits must be recovered in accordance with Iowa law.

**DECISION:**

The December 10, 2021 unemployment insurance decision is affirmed. Claimant has been overpaid PUA benefits in the amount of \$203.00, which must be repaid.



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February 22, 2022  
Decision Dated and Mailed

acw/ACW