

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STEPHANIE F BURNSIDE**  
Claimant

**APPEAL 21A-UI-00805-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Stephanie F Burnside, the claimant/appellant, appealed the November 23, 2020, (reference 03) unemployment insurance decision that concluded she was overpaid regular unemployment insurance (UI) benefits. Ms. Burnside was properly notified of the hearing. A telephone hearing was held on February 13, 2021. Ms. Burnside participated and testified. Official notice was taken of the administrative record.

**ISSUE:**

Has Ms. Burnside been overpaid REGULAR UI benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Burnside received REGULAR benefits in the amount of \$6,985.00 for 14 weeks between June 7, 2020 and September 26, 2020.

On October 6, 2020, Iowa Workforce Development issued a reference 02 decision denying Ms. Burnside regular UI benefits. Ms. Burnside appealed that decision on October 9, 2020. Before the hearing on Ms. Burnside's appeal of the reference 02 decision, the Department issued the November 23, 2020, (reference 03) decision. Ms. Burnside appealed the reference 03 decision, which is the subject of this appeal.

On December 18, 2020, the reference 02 decision was reversed in Appeal 20A-UI-12565-CL-T. That decision found Ms. Burnside eligible for benefits effective May 23, 2020 and remanded the issue of whether Ms. Burnside is eligible for benefits after she was separated from employment on July 21, 2020 to the Benefits Bureau of Iowa Workforce Development.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes Ms. Burnside has not 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. Burnside is eligible for REGULAR unemployment insurance benefits effective May 23, 2020 per the administrative law judge's December 18, 2020 decision in Appeal 20A-UI-12565-CL-T. Therefore, Ms. Burnside is not overpaid benefits on, or after, May 23, 2020.

While this decision reverses the November 23, 2020, (reference 03) overpayment decision, the issue of whether Ms. Burnside is eligible for benefits after she was separated from employment on July 21, 2020 has been remanded to the Department for investigation. If the Department were to find Ms. Burnside is not eligible for benefits based on her separation from employment and that decision is not reversed on appeal, that decision may result in an overpayment, which she would be required repay.

**DECISION:**

The November 23, 2020, (reference 03) unemployment insurance decision is reversed. Ms. Burnside has not been overpaid regular UI benefits as she is eligible for benefits effective May 23, 2020.



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Daniel Zeno  
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February 26, 2021  
Decision Dated and Mailed

dz/scn