

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**UBALDO PEDRAZA**  
Claimant

**APPEAL NO. 21A-UI-06460-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Iowa Code Section 96.3(7) - Overpayment

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 23, 2021 (reference 04) decision that held the claimant was overpaid \$8,500.00 in regular state benefits for 17 weeks between March 22, 2020 and July 18, 2020, based on an earlier decision that disqualified the claimant for benefits in connection with a voluntary quit from employment with Walmart, Inc. After due notice was issued, a hearing was held on May 10, 2021. The claimant participated. The employer provided written notice that it waived participation in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-06459-JTT. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: The reference 01 through reference 04 decisions, NMRO, DBRO the application for PUA, the Assessment for PUA Benefits, the administrative law judge decision in Appeal Number 20A-DUA-00712-B2-T, the Employment Appeal Board decision in Hearing Number 21B-DUA-00712.

**ISSUE:**

Whether the claimant was overpaid \$8,500.00 in regular state benefits for 17 weeks between March 22, 2020 and July 18, 2020, based on an earlier decision that disqualified the claimant for benefits in connection with a voluntary quit from employment with Walmart, Inc.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for regular unemployment insurance benefits that was effective March 22, 2020. Iowa Workforce Development set the claimant's weekly benefit amount for regular state benefits at \$500.00. The claimant received \$8,500.00 in regular state benefits for the 17 weeks between March 22, 2020 and July 18, 2020.

On July 28, 2020, Iowa Workforce Development mailed the July 28, 2020 (reference 01) decision to the claimant's Pharr, Texas last-known address of record. The reference 01 decision disqualified the claimant for benefits and held the employer's account of Walmart, Inc. would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on December 7, 2019 without good cause attributable to the employer. The reference 01

decision stated that the decision would become final unless an appeal was postmarked by August 7, 2020 or was received by the Appeals Section by that date. The decision included clear and concise instructions for filing an appeal and did so in both English and in Spanish. The claimant received the reference 01 decision in a timely manner, prior to the deadline for appeal, but did not file an appeal by the appeal deadline. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 21A-UI-06459-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Because the July 18, 2020, reference 01, decision disqualified the claimant for benefits in connection with the December 7, 2019 voluntary quit from Walmart, Inc., the \$8,500.00 in regular state benefits the claimant received for 17 weeks between March 22, 2020 and July 18, 2020 is an overpayment of benefits that the claimant must repay.

**DECISION:**

The February 23, 2021 (reference 04) decision is affirmed. The claimant was overpaid \$8,500.00 in regular state benefits for 17 weeks between March 22, 2020 and July 18, 2020, based on an earlier decision that disqualified the claimant for benefits in connection with a voluntary quit from employment with Walmart, Inc. The claimant must repay the overpaid benefits.

As the claimant's eligibility for PUA benefits has already been adjudicated to a final agency decision, this decision includes no notice advising the claimant to apply for PUA benefits.



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James E. Timberland  
Administrative Law Judge

May 17, 2021  
Decision Dated and Mailed

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