

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHEAL P PLUMMER
Claimant

APPEAL 20A-UI-11661-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (1R)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

On September 21, 2020, the claimant filed an appeal from the September 17, 2020, (reference 01) unemployment insurance decision that found he was overpaid benefits. The claimant was properly notified about the hearing. A telephone hearing was held on November 10, 2020. Claimant participated and testified.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for benefits for the week starting May 31, 2020. Claimant had earned wages in both Iowa and Indiana. Claimant's monetary determination, issued August 4, 2020 was missing wages from the State of Indiana and therefore utilized an alternative based period in order to allow him to qualify for benefits. Claimant qualified for benefits in the amount of \$343.00 per week. After that determination was issued, information on claimant's combined wage claim was received from the State of Indiana. That information included the following wages:

EMPLOYER	1 QTR 19	2 QTR 19	3 QTR 19	4 QTR 19
INDIANA	2,682.36	5,364.72	5,711.76	
MAIN ST IOWA				4,153.84

Claimant's benefits were recalculated and his weekly benefit amount was determined to be \$248.00. After this determination was issued and following an investigation, the State of Indiana received additional wage information for the claimant. It found he had earned an additional \$5,000.00 in Indiana in the first quarter of 2019. (Exhibit E). These wages were never added to claimant's Iowa monetary determination. That matter has been remanded to the benefits bureau of Iowa Workforce Development for a new monetary determination in appeal number 20A-UI-13837.NM. Claimant received the higher benefit amount of \$343.00 for the 13 week period between May 31, 2020 and September 11, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Here, the monetary determination upon which claimant's overpayment is based has been remanded for redetermination. As such, it is not known at this time what claimant's new weekly benefit amount will be and what, if anything, the amount of his overpayment is. Accordingly, the initial determination is affirmed, pending the outcome of the new monetary determination.

DECISION:

The unemployment insurance decision dated September 17, 2020 (reference 01), is affirmed, pending the outcome of the monetary determination in appeal 20A-UI-13837.NM.

REMAND:

The issue of the correct dollar amount of claimant's overpayment, if any, is remanded to the Benefits Bureau for recalculation, consistent with the issue remanded in 20A-UI-13837.NM.



Nicole Merrill
Administrative Law Judge

November 23, 2020
Decision Dated and Mailed

nm/scn