

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ACHOK AKUAR
Claimant

APPEAL 22A-UI-00503-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant/appellant, Achok Akuar, filed an appeal from the November 30, 2021 (reference 04) initial decision which concluded claimant was overpaid benefits. Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on January 27, 2022. The following hearings were consolidated: 22A-UI-00502-JC-T, 22A-UI-00503-JC-T, 22A-UI-00504-JC-T, 22A-UI-00506-JC-T, and 22A-UI-00507-JC-T. The claimant participated. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision. Department Exhibit D-1 was admitted.

ISSUES:

Is claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for unemployment insurance benefits with an effective date of April 5, 2020. The claimant filed for and received \$12,382.19 in regular unemployment insurance benefits for the period of April 5, 2020 and October 17, 2020. The initial decision denying benefits to the claimant has been reversed in Appeal 22A-UI-00502-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether claimant is overpaid regular benefits.

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 initial decision has been reversed, allowing benefits, the claimant is not overpaid benefits.

DECISION:

The November 30, 2021 (reference 04) initial decision is reversed. The claimant is not overpaid regular benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 17, 2022

Decision Dated and Mailed

jlb/abd