

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAWN R FUEHRER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22A-UI-04525-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On February 8, 2022, Dawn Fuehrer (claimant/appellant) appealed the decision dated February 3, 2022 (reference 11) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$10,769.08 for the 23-week period between March 29 and September 5, 2020 as a result of a disqualification decision.

A telephone hearing was held on March 24, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

FINDINGS OF FACT:

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

The administrative record shows claimant received UI in the total amount of \$10,769.08 from the benefit week ending March 29, 2020 and continuing through the benefit week ending September 5, 2020.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated March 19, 2021. That decision remains in force. See 22A-UI-04524-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated February 3, 2022 (reference 11) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$10,769.08 for the 23-week period between March 29 and September 5, 2020 as a result of a disqualification decision is AFFIRMED.

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.

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.

The administrative record shows claimant received UI in the total amount of \$10,769.08 from the benefit week ending March 29, 2020 and continuing through the benefit week ending September 5, 2020.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated March 19, 2021. That decision remains in force. See 22A-UI-04524-AD-T.

Claimant received UI totaling \$10,769.08 during a period in which she was later determined to be disqualified for benefits. She has therefore been overpaid in that amount.

DECISION:

The decision dated February 3, 2022 (reference 11) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$10,769.08 for the 23-week period between March 29 and September 5, 2020 as a result of a disqualification decision is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

March 31, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.