

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TROY T JIBBEN**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 22A-UI-09443-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/12/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On April 14, 2022, Troy Jibben (claimant/appellant) appealed the Iowa Workforce Development ("IWD") decision dated April 6, 2022 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$857.00 for the two-week period between December 27, 2020 and January 9, 2021 as a result of a prior decision denying benefits.

A telephone hearing was held on May 27, 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 amount of \$426.00 in the week ending January 2, 2021 and \$431.00 in the week ending January 9, 2021. The total amount of UI paid during these weeks is \$857.00.

Claimant was subsequently determined to be disqualified from benefits, in a decision dated March 2, 2021, based on a December 4, 2020 separation from employment. Claimant appealed that decision but did not appear for the appeal hearing set for May 24, 2021. A default decision was entered on June 3, 2021. That decision remains in force. See 21A-UI-07488-S1-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated April 6, 2022 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$857.00 for the two-week period between December 27, 2020 and January 9, 2021 as a result of a prior decision denying benefits 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.

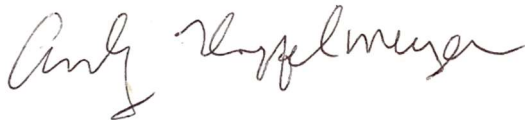
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Claimant received UI in the amount of \$857.00 during a period he was subsequently determined to be disqualified from benefits. Claimant has therefore been overpaid UI in that amount.

**DECISION:**

The decision dated April 6, 2022 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$857.00 for the two-week period between December 27, 2020 and January 9, 2021 as a result of a prior decision denying benefits is **AFFIRMED**.



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Andrew B. Duffelmeyer  
Administrative Law Judge

June 1, 2022  
Decision Dated and Mailed

abd/abd