

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MAUREEN E. ROBERTSON
Claimant

APPEAL 22A-UI-04508-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On February 10, 2022, the claimant/appellant filed an appeal from the February 4, 2022 (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,090.04 as a result of a disqualification decision. The appellant was properly notified of the hearing. A telephone hearing was held on March 23, 2022. The hearing was held together with appeals 22A-UI-04503-CS-T; 22A-UI-04504-CS-T; 22A-UI-04505-CS-T; 22A-UI-04511-CS-T; 22A-UI-04512-CS-T; and 22A-UI-04513-CS-T, and combined into one record. The claimant participated. Administrative notice was taken of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid benefits which must be repaid?

FINDINGS OF FACT:

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

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 19, 2020. The claimant filed for and received a total of \$3,090.04 in unemployment insurance benefits for the weeks between June 21, 2020 and October 31, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 22A-UI-04504-CS-T.

Claimant filed for Pandemic Unemployment Assistance (PUA). On March 15, 2021, claimant was approved for PUA benefits. Claimant's approval retroactively approved her for benefits beginning on April 19, 2020. Claimant was paid PUA benefits for the weeks beginning March 13, 2021 through the week ending April 17, 2021. KPY1 does not show that claimant was paid PUA benefits from April 19, 2020 through March 12, 2021. Claimant receive FPUC benefits and LWAP benefits as a result of the state unemployment benefits. Claimant has not been issued FPUC and LWAP benefits as a result of the PUA benefits from April 19, 2020 through March 12, 2021.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$3,090.04 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 4, 2022 (reference 04) is affirmed. The claimant was overpaid \$3,090.04 in unemployment insurance benefits, which must be repaid.

REMAND:

The issue of whether claimant was paid PUA benefits, FPUC benefits as a result of the PUA benefits, and LWAP benefits as a result of the PUA benefits, from April 19, 2020 through March 12, 2021, is remanded to the Benefits Bureau to make a determination on whether claimant's overpayment balances can be offset by the unpaid PUA, FPUC and LWAP benefits and issue any surplus of benefits to claimant. If an offset of benefits cannot occur then the Benefits Bureau shall issue payment to claimant for the benefits.



Carly Smith
Administrative Law Judge

March 31, 2022

Decision Dated and Mailed

cs/abd

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. 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.