

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARA BARTELLA
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-08621-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Sara Bartella, the claimant/appellant, filed an appeal from the March 29, 2022 (reference 03) unemployment insurance (UI) decision that concluded she was overpaid REGULAR (state) UI benefits in the amount of \$515.00. The parties were properly notified about the hearing. A telephone hearing was held on May 17, 2022. Ms. Bartella participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Bartella been overpaid REGULAR (state) UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Bartella filed an initial claim for REGULAR (state) UI benefits effective April 12, 2020. In relevant part, Ms. Bartella filed weekly continued claims and IWD paid her REGULAR (state) UI benefits in the gross amount of \$515.00 for 5 weeks between June 14, 2020 and September 19, 2020.

IWD sent the money to Ms. Bartella on a debit card. Ms. Bartella testified that she received a Bank of America debit card, and she activated the debit card. Ms. Bartella also testified that she did not receive the UI benefits. The administrative record shows IWD paid Ms. Bartella the UI benefits via the debit card.

Almost two months after she filed her initial claim effective April 12, 2020, and after she had already received REGULAR (state) UI benefits, IWD issued a June 4, 2020, (reference 01) UI decision finding Ms. Bartella not eligible for REGULAR (state) UI benefits as of April 12, 2020 because she was on a leave of absence and not available to work. Ms. Bartella appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-08613-DZ-T affirmed the reference 01 UI decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

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.

Ms. Bartella has been overpaid REGULAR (state) UI benefits in the gross amount of \$515.00 for 5 weeks between June 14, 2020 and September 19, 2020, which should be repaid. Ms. Bartella has been overpaid REGULAR (state) UI benefits because she is not qualified and/or eligible to receive REGULAR (state) UI benefits per the June 4, 2020, (reference 01) UI decision that was affirmed by the administrative law judge's decision in Appeal 22A-UI-08613-DZ-T.

DECISION:

The March 29, 2022, (reference 03) decision is AFFIRMED. Ms. Bartella has been overpaid REGULAR (state) UI benefits in the gross amount of \$515.00, which must be repaid.



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

June 30, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. BARTELLA:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
 - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>
 - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
 - Go to the last two sentences in that section.
 - The PUA application link is at the end of the second-to-last sentence of the section.
 - The reference number/authorization number is the pin number you used for the appeal hearing: 108613.
- **If IWD finds you eligible for federal PUA benefits, you can use the PUA benefits to pay off the REGULAR (state) UI overpayment.**
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**
- To check on your PUA application contact IWD online, via email, or by phone.
 - Online: Go to www.iowaworkforce.gov, click on "Contact Us" then click on "Unemployment Help Request" and complete the form.
 - Email: uicclaimshelp@iwd.iowa.gov
 - Phone: 1-866-239-0843