

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA S PICKERING
Claimant

APPEAL 21A-UI-03218-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/02/20
Claimant: Appellant (1)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated February 16, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 19, 2021. The claimant participated personally. Witness Joy Caudron testified on claimant's behalf. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: Claimant filed an original claim for unemployment insurance benefits effective August 2, 2020. She was paid unemployment insurance benefits funded by the State of Iowa in the amount of \$4,908.00 for twenty weeks between August 2, 2020 and January 1, 2021. A decision that disqualified her from being eligible for regular unemployment insurance benefits funded by the State of Iowa was issued on January 6, 2021 (reference 01) and disqualified claimant from receiving benefits effective August 2, 2020. That decision was affirmed in Appeal No. 21A-UI-03217-S2-T.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid unemployment insurance benefits.

Iowa Code § 96.3(7)a provides:


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.

In this case, claimant received regular unemployment insurance benefits funded by the State of Iowa in the amount of \$4,908.00 for twenty weeks between August 2, 2020 and January 2, 2021, but was not eligible for those benefits. This was because of the January 6, 2021 (reference 01) decision that disqualified her from being eligible for regular unemployment insurance benefits funded by the State of Iowa. That decision was affirmed in Appeal No. 21A-UI-03217-S2-T. As such, even though the claimant acted in good faith and was not otherwise at fault, she has still been overpaid unemployment insurance benefits funded by the State of Iowa in the amount of \$4,908.00 for twenty weeks between August 2, 2020 and January 2, 2021.

DECISION:

The decision of the representative dated February 16, 2021 (reference 02) is affirmed. The claimant was overpaid regular state unemployment insurance benefits in the amount of \$4,908.00 between August 2, 2020 and January 2, 2021.



Stephanie Adkisson
Administrative Law Judge
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March 24, 2021
Decision Dated and Mailed

sa/kmj