

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALVIN H MCINTYRE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-21986-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/28/21
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

On October 5, 2021, Alvin McIntyre (claimant/appellant) appealed the decision dated September 28, 2021 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,559.00 for the eleven-week period between March 28 and June 12, 2021, as a result of a decision denying benefits.

A telephone hearing was held on November 30, 2021, 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?

FINDINGS OF FACT:

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

The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$235.00 per week for a total of ten weeks, from the benefit week ending April 3, 2021 and continuing through the benefit week ending June 5, 2021. He also received benefits in the amount of \$209.00 in the week ending June 12, 2021. The total amount of regular, state unemployment insurance benefits paid during that period is \$2,259.00. The total amount paid in the weeks ending April 3 and June 12, 2021 is \$444.00.

Claimant was subsequently determined to be ineligible for benefits during the above period in a decision dated June 18, 2021. That decision has now been modified to find claimant eligible for benefits during the above period except for the weeks ending April 3 and June 12, 2021. See 21A-UI-21985-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated September 28, 2021 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,559.00 for the eleven-week period between March 28 and June 12, 2021, as a result of a decision denying benefits is MODIFIED in favor of appellant.

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.

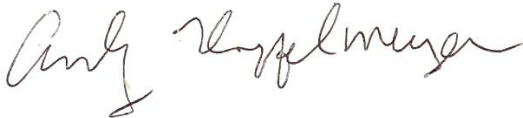
b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The administrative record shows claimant received regular, state unemployment insurance benefits in the amount of \$235.00 per week for a total of ten weeks, from the benefit week ending April 3, 2021 and continuing through the benefit week ending June 5, 2021. He also received benefits in the amount of \$209.00 in the week ending June 12, 2021. The total amount of regular, state unemployment insurance benefits paid during that period is \$2,259.00. The total amount paid in the weeks ending April 3 and June 12, 2021 is \$444.00.

Claimant was subsequently determined to be ineligible for benefits during the above period in a decision dated June 18, 2021. That decision has now been modified to find claimant eligible for benefits during the above period except for the weeks ending April 3 and June 12, 2021. See 21A-UI-21985-AD-T. Because claimant was paid benefits in the amount of \$444.00 for which he was later deemed ineligible, he has been overpaid in that amount.

DECISION:

The decision dated September 28, 2021 (reference 03) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,559.00 for the eleven-week period between March 28 and June 12, 2021, as a result of a decision denying benefits is MODIFIED in favor of appellant. Claimant was overpaid unemployment insurance benefits in the amount of \$444.00.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

December 8, 2021
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 CARES Act 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.