

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWNA J MILLS
Claimant

APPEAL 22A-UI-07163-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Shawna J Mills, the claimant/appellant, filed an appeal from the March 22, 2022 (reference 03) unemployment insurance (UI) decision that concluded she was overpaid REGULAR (state) UI benefits in the amount of \$3,636.36. The parties were properly notified about the hearing. A telephone hearing was held on May 19, 2022. Ms. Mills participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

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

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Mills filed an initial claim for REGULAR (state) UI benefits effective March 15, 2020. In relevant part, Ms. Mills filed weekly continued claims and IWD paid her REGULAR (state) UI benefits in the gross amount of \$3,636.36 for 10 weeks between April 26, 2020 and July 4, 2020. Ms. Mills' claim year ended and she filed a new claim effective March 14, 2021.

Almost one year and two months after she filed her initial claim effective March 15, 2020, almost two months after she filed her new claim effective March 14, 2021, and after she had already received REGULAR (state) UI benefits, IWD issued a May 13, 2021, (reference 02) UI decision finding Ms. Mills not eligible for REGULAR (state) UI benefits because of an April 30, 2020 quit from employment with employer Bella Flora LLC. Ms. Mills appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-07158-DZ-T affirmed the reference 02 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. Mills has been overpaid REGULAR (state) UI benefits in the gross amount of \$3,636.36 for 10 weeks between April 26, 2020 and July 4, 2020, which should be repaid. Ms. Mills has been overpaid REGULAR (state) UI benefits because she is not qualified and/or eligible to receive REGULAR (state) UI benefits per the May 13, 2021, (reference 02) UI decision that was affirmed by the administrative law judge's decision in Appeal 22A-UI-07158-DZ-T.

DECISION:

The March 22, 2022, (reference 03) decision is AFFIRMED. Ms. Mills has been overpaid REGULAR (state) UI benefits in the gross amount of \$3,636.36, 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 29, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. MILLS:

- 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: 107158.
- **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: uiclaimshelp@iwd.iowa.gov
 - Phone: 1-866-239-0843