

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIANNA L WERGES
Claimant

APPEAL 22A-UI-06365-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Brianna L Werges, the claimant/appellant, filed an appeal from the March 4, 2022 (reference 02) unemployment insurance (UI) decision that concluded she was overpaid REGULAR (state) UI benefits in the amount of \$1,245.00. The parties were properly notified about the hearing. A telephone hearing was held on April 22, 2022. Ms. Werges participated personally. William Robinson participated as Ms. Werges' non-attorney representative. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

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

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Werges filed an initial claim for REGULAR (state) UI benefits effective March 29, 2020. Ms. Werges received REGULAR (state) UI benefits in the gross amount of \$1,245.00 for 16 weeks between April 5, 2020 and July 25, 2020.

Just shy of one year after after she filed her initial claim effective March 29, 2020, and had already received REGULAR UI benefits, IWD issued a March 24, 2021, (reference 01) decision finding Ms. Werges not eligible for REGULAR (state) UI benefits. Ms. Werges appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-06364-DZ-T affirmed the reference 01 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Werges has been overpaid REGULAR UI 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.

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.

Per Iowa law, Ms. Werges has been overpaid REGULAR (state) UI benefits in the gross amount of \$1,245.00 for 16 weeks between April 5, 2020 and July 25, 2020, which should be repaid. Ms. Werges has been overpaid REGULAR (state) UI benefits because she is not qualified and/or eligible to receive REGULAR (state) UI benefits per the March 24, 2021, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 22A-UI-06364-DZ-T.

DECISION:

The March 4 2022, (reference 02) decision is AFFIRMED. Ms. Werges has been overpaid REGULAR (state) UI benefits in the gross amount of \$1,245.00, 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

May 11, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. WERGES:

- IWD already found you eligible for PUA as of January 24, 2021. If you were unemployed for reasons related to COVID-19 starting in March 2020, you may qualify for Pandemic Unemployment Assistance (PUA) benefits for that time period as well.
- **You must apply for PUA benefits to determine your eligibility** starting in March 2020. 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: 106364.
- **If IWD finds you eligible for federal PUA benefits starting in March 2020, 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.**
- Iowa 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.**
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