

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELANIE FLORES
Claimant

APPEAL 21A-UI-00663-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 6/28/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On November 25, 2020, the claimant filed an appeal from the November 23, 2020, (reference 06) unemployment insurance decision that found claimant overpaid benefits. The claimant was properly notified about the hearing. A telephone hearing was held on February 13, 2021. Claimant participated personally.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received unemployment insurance benefits in the amount of \$2,940.00 for the weeks June 28, 2020 and ending October 3, 2020.

On November 10, 2020, Iowa Workforce Development (IWD) issued a reference 03 unemployment insurance decision that found claimant disqualified from receiving benefits. That decision was affirmed in Appeal Number 21A-UI-00662-ED-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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

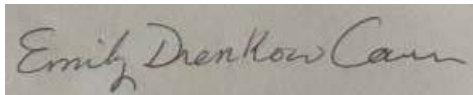
any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid REGULAR unemployment insurance benefits in the amount noted in the findings of fact above as claimant was not qualified to receive REGULAR unemployment insurance benefits.

DECISION:

The November 23, 2020, (reference 06) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$2,940.00.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 25, 2021
Decision Dated and Mailed

ed/scn