

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DARIAN E OWENS**  
Claimant

**APPEAL 21A-UI-25181-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Code § 96.29 - Extended Benefits

**STATEMENT OF THE CASE:**

Claimant/appellant, Darian Owens, filed an appeal from the November 2, 2021, (reference 04) unemployment insurance decision that determined claimant was overpaid \$234.00 in extended benefits (“EB”) for the 1-week ending October 31, 2020, as a result of a disqualification decision (reference 01). After proper notice, a telephone hearing was conducted on January 11, 2022. Claimant participated personally. The department did not participate. The following hearings were held together as part of a consolidated hearing: Appeals 21A-UI-25174-DH-T, 21A-UI-25177-DH-T, 21A-UI-25178-DH-T, 21A-UI-25181-DH-T, 21A-UI-25182-DH-T, and 21A-UI-25183-DH-T. Judicial notice was taken of the administrative records.

**ISSUES:**

Is the claimant overpaid extended benefits?

**FINDINGS OF FACT:**

Having heard the testimony, reviewed the evidence and the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of 03/22/2020. Claimant filed for and exhausted his regular state funded benefits in Iowa effective the 07/18/2020 payment.

Claimant then filed weekly claims for the 14-week period ending October 24, 2020 and received \$3,042.00 in PEUC benefits for the 14-week period beginning 07/19/20 and ending 10/24/2020.

Claimant filed for and received extended benefits (EB) in the amount of \$234.00 for the 1-week ending October 31, 2020.

The unemployment insurance decision (reference 01) that disqualified the claimant from receiving regular unemployment insurance benefits, dated January 20, 2021, was received by claimant who appealed the decision. In appeal 21A-UI-25174-DH-T, the administrative law judge kept the underlying decision in effect due to the appeal not being timely.

## REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid extended benefits (EB).

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.


The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This temporary unemployment insurance program provides up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. Section 4001(d)(2)(A) of the EUC Act states that persons shall not be eligible for EUC unless they have "20 weeks of full-time insured employment or the equivalent in insured wages" in their base period as determined by the state law implementing the Extended Unemployment Compensation Act of 1970. The method Iowa chose is outlined in Iowa Code § 96.29(1).

Iowa Code section 96.29(1)a-c provides: Extended benefits. Except when the result would be inconsistent with the other provisions of this chapter, as provided in rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits. 1. Eligibility requirements for extended benefits. An individual is eligible to receive extended benefits with respect to a week of unemployment in the individual's eligibility period only if the department finds that all of the following conditions are met: a. The individual is an "exhaustee" as defined in this chapter. b. The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits. c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

The decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI, she is also not eligible for EUC/EB. Therefore, claimant has received EUC/EB to which she was not entitled. The administrative law judge concludes that claimant has been overpaid EUC/EB in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

**DECISION:**

The unemployment insurance decision dated November 2, 2021, (reference 04), is **AFFIRMED**.  
The claimant was overpaid \$234.00 in EB benefits.



Darrin T. Hamilton  
Administrative Law Judge

March 30, 2022  
Decision Dated and Mailed

dh/mh

Note to Claimant:

Claimant provided an updated mailing address during the hearing. It is noted on the first page of this decision. Claimant is directed to contact IWD customer service at 1-866-239-0843 as soon as possible to update their contact information so that their information can be updated within our systems and not just on this one printed decision.