

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KELLISUE EMIG
Claimant

APPEAL NO. 21A-UI-24712-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/22/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On November 3, 2021, the claimant, Kellisue Emig, appealed the October 28, 2021, (reference 02) decision that concluded the claimant was overpaid regular unemployment insurance benefits in the amount of \$796.00 for the 2-week period ending December 5, 2020. A telephone hearing was held on January 4, 2022, pursuant to due notice. The claimant, Kellisue Emig, participated. No exhibits were offered or admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$796.00 for the 2-week period ending December 5, 2020. On October 28, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed. See *21A-UI-24708-ED-T*.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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

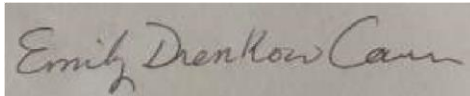
not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to 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.

The administrative law judge concludes that the claimant has been overpaid regular unemployment insurance benefits in the amount of \$796.00 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

DECISION:

The October 28, 2021, (reference 03) decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$796.00, which must be repaid.



Emily Drenkow Carr
Administrative Law Judge
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January 31, 2022
Decision Dated and Mailed

ed/mh