

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAULA J BEHR
Claimant

APPEAL 20A-UI-13882-AW-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:

Claimant filed an appeal from the October 27, 2020 (reference 03) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on January 5, 2021, at 11:05 a.m. Claimant participated. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for UI benefits effective March 29, 2020 and reopened her claim effective April 5, 2020. A monetary determination was issued on May 6, 2020 stating claimant was eligible for UI benefits in the weekly amount of \$90.00. The monetary determination was not appealed. Therefore, it has become final agency action. Claimant filed ongoing weekly claims for the benefit weeks ending April 11, 2020, April 18, 2020 and April 25, 2020. Claimant received UI benefits in the gross amount of \$338.00 for each of those three weeks – for a total of \$1,014.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

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 monetary determination that found claimant was eligible for UI benefits in the amount of \$90.00 per week remains in effect. Claimant was entitled to UI benefits in the amount of \$90.00 per week for the weeks ending April 11, 2020, April 18, 2020 and April 25, 2020 – for a total of \$270.00 (\$90.00 x 3 weeks). Claimant received UI benefits in the amount of \$338.00 for each of those three weeks – for a total of \$1,014.00 (\$338.00 x 3 weeks). Claimant received benefits to which she was not entitled. The administrative law judge concludes that claimant has been overpaid UI benefits in the amount of \$744.00 (\$1,014.00 - \$270.00). Those benefits must be recovered in accordance with Iowa law.

DECISION:

The October 27, 2020 (reference 03) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$744.00, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

January 26, 2021
Decision Dated and Mailed

acw/scn