

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PENNY L ALBRIGHT
Claimant

APPEAL 19A-UCFE-00007-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/23/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Penny L. Albright (claimant) filed an appeal from the February 11, 2019, reference 02, unemployment insurance decision that found she was overpaid \$1,401.00 in unemployment insurance benefits. After due notice was issued, a telephone conference hearing was held on February 25, 2019 and consolidated with the hearing for appeal 19A-UCFE-00006-SC-T. The claimant participated. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

ISSUE:

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant works for the Federal Government as a full-time employee and her gross weekly wages are \$1,452.00. On December 22, 2018, the government shut down and the claimant was furloughed. The claimant returned to work on January 28, 2019 and has received back pay for the time she missed work.

The claimant filed her claim for unemployment insurance benefits effective December 23 and her gross weekly benefit amount is \$467.00. She filed for and received a total of \$1,401.00 in unemployment insurance benefits for the three weeks between January 6, 2019 and January 26, 2019. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 19A-UCFE-00006-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid unemployment insurance benefits which must be repaid.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,401.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated February 11, 2019, reference 02, is affirmed. The claimant was overpaid \$1,401.00 in unemployment insurance benefits, which must be repaid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn