

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHRISTINA NELSON**  
Claimant

**APPEAL 22A-UI-01313-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/03/21  
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the December 9, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$494.00 for two weeks between January 3, 2021 and January 16, 2021. The claimant was properly notified of the hearing. A telephone hearing was held on February 7, 2022. The claimant participated personally. Kyle Nelson participated as a witness for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-01312-DB-T and 22A-UI-01314-DB-T.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of January 3, 2021. She was paid regular unemployment insurance benefits funded by the State of Iowa from January 3, 2021 through January 16, 2021 in the amount of \$494.00.

Iowa Workforce Development issued a decision dated February 22, 2021 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her not being able to and available for work. That decision was appealed and affirmed in Appeal No. 22A-UI-01312-DB-T. No application for Federal Pandemic Unemployment Assistance (PUA) benefits has been filed at this time.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.3(7)a provides:

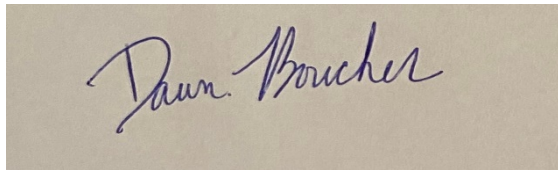
7. Recovery of overpayment of benefits.

- 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.

In this case, the claimant received regular unemployment insurance benefits funded by the State of Iowa from January 3, 2021 through January 16, 2021 but was not eligible for those benefits due to her not being able to and available for work. This was because of the February 22, 2021 (reference 01) decision that disqualified her from being eligible for regular unemployment insurance benefits funded by the State of Iowa. That denial decision was affirmed in Appeal No. 22A-UI-01312-DB-T-T. As such, even though the claimant may have acted in good faith and was not otherwise at fault, she has still been overpaid unemployment insurance benefits funded by the State of Iowa in the amount of \$494.00 for two weeks between January 3, 2021 and January 16, 2021.

**DECISION:**

The December 9, 2021 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$494.00 for two weeks between January 3, 2021 and January 16, 2021.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive, flowing style.

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Dawn Boucher  
Administrative Law Judge

February 24, 2022  
Decision Dated and Mailed

db/db