

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KELLY D ROOKS
Claimant

APPEAL 20A-UI-12823-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/01/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Kelly Rooks appealed the October 9, 2020, (reference 01) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$75.41 for the one-week period ending June 13, 2020, because of a redetermination the monetary record that reduced his maximum benefit amount. A telephone hearing was scheduled and held on December 9, 2020, pursuant to due notice. The claimant participated. Claimant's Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative record.

ISSUE:

Has the claimant been overpaid unemployment insurance benefits for the period in question?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the Iowa Workforce Development Department's (Department) May 22, 2020 monetary determination found that the claimant's maximum benefit amount was \$4,174.66 and his benefit year began on May 3, 2020. The claimant requested to add out-of-state wages and backdate his claim for benefits. The Department's October 6, 2020 redetermination found that the claimant's maximum benefit amount was \$3,557.25 and his benefit year began on March 1, 2020. The claimant ultimately received \$3,632.66 in regular unemployment insurance benefits between March 1 and June 7, 2020. The claimant's October 6, 2020 monetary record has been affirmed by the administrative law judge in appeal 20A-UI-12822.

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 claimant received \$3,632.66 in regular unemployment insurance benefits. The monetary record dated October 6, which reduced his maximum benefits to \$3,557.25, has been affirmed. Therefore, the claimant has been overpaid \$75.41 in regular unemployment insurance benefits that must be repaid.

DECISION:

The October 9, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the amount of \$75.41, which must be repaid.



Daniel Zeno
Administrative Law Judge

December 18, 2020
Decision Dated and Mailed

dz/scn