

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DARSHAWN P HOPE**  
Claimant

**APPEAL 22R-UI-08205-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/15/19  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Darshawn P Hope, the claimant/appellant, filed an appeal from the September 27, 2021 (reference 09) unemployment insurance (UI) decision that concluded he was overpaid REGULAR (state) UI benefits in the amount of \$1,392.77. A hearing was scheduled for December 1, 2021. The parties were properly notified of the hearing. Mr. Hope did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin or during the fifteen-minute grace period. The department did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin or during the fifteen-minute grace period. Since Mr. Hope filed the appeal but did not call in, no hearing was held.

Mr. Hope appealed to the Employment Appeal Board (EAB). The EAB concluded that Mr. Hope had called in thirty minutes after the hearing was scheduled to begin, the line was disconnected, and he was not able to regain access to the system when he called in again. The EAB remanded (sent back) the matter for a new hearing.

A new telephone hearing was scheduled for May 18, 2022. The parties were properly notified about the new hearing. The hearing was held on May 18, 2022. Mr. Hope participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Has Mr. Hope been overpaid REGULAR (state) UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Hope filed an initial claim for REGULAR (state) UI benefits effective September 15, 2019. In relevant part, Mr. Hope filed weekly continued claims and IWD paid him REGULAR (state) UI benefits in the gross amount of \$1,392.77 for 3 weeks between April 12, 2020 and May 2, 2020.

Over one year and two months after he filed his initial claim effective September 15, 2019, and after he had already received REGULAR (state) UI benefits, IWD issued a December 1, 2020,

(reference 03) UI decision finding Mr. Hope not eligible for REGULAR (state) UI benefits because of an April 14, 2020 quit from employment with employer Supreme Staffing Inc. Mr. Hope appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22R-UI-08204-DZ-T affirmed the reference 03 UI decision.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

Mr. Hope has been overpaid REGULAR (state) UI benefits in the gross amount of \$1,392.77 for 3 weeks between April 12, 2020 and May 2, 2020, which should be repaid. Mr. Hope has been overpaid REGULAR (state) UI benefits because he is not qualified and/or eligible to receive REGULAR (state) UI benefits per the December 1, 2020, (reference 03) UI decision that was affirmed by the administrative law judge's decision in Appeal 22R-UI-08204-DZ-T.

**DECISION:**

The September 27, 2021, (reference 09) decision is AFFIRMED. Mr. Hope has been overpaid REGULAR (state) UI benefits in the gross amount of \$1,392.77, which must be repaid.



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Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

June 28, 2022  
Decision Dated and Mailed

dz/mh

**NOTE TO MR. HOPE:**

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
  - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>
  - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
  - Go to the last two sentences in that section.
  - The PUA application link is at the end of the second-to-last sentence of the section.
  - The reference number/authorization number is the pin number you used for the appeal hearing: 108204.
- **If IWD finds you eligible for federal PUA benefits, you can use the PUA benefits to pay off the REGULAR (state) UI overpayment.**
- **If you do not apply for and are not approved for PUA, you are required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**
- To check on your PUA application contact IWD online, via email, or by phone.
  - Online: Go to [www.iowaworkforce.gov](http://www.iowaworkforce.gov), click on "Contact Us" then click on "Unemployment Help Request" and complete the form.
  - Email: [uiclaimshelp@iwd.iowa.gov](mailto:uiclaimshelp@iwd.iowa.gov)
  - Phone: 1-866-239-0843