

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBBIE L KNISLEY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-24017-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

Iowa Code § 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated October 20, 2021, (reference 04) that concluded the claimant was overpaid unemployment insurance benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 29, 2021, and was consolidated with the hearing for appeals 21A-UI-24016-S2-T and 21A-UI-24017-S2-T. The claimant participated personally. Dale Knisley observed. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has received regular state unemployment insurance benefits in the gross amount of \$1,854.00 for the seven-week period ending May 2, 2020, and a two-week period ending December 5, 2020. On January 5, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits. That decision has now been reversed. See 21A-UI-20416-S2-T.

In a March 18, 2021, decision, an administrative law judge determined claimant was ineligible for benefits the week ending March 21, 2021. An April 10, 2021, reference 03 decision issued addressed the overpayment for that week.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was not overpaid unemployment insurance benefits.

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 decision which resulted in the overpayment has now reversed. See 21A-UI-24016-S2-T. Claimant has therefore not been overpaid benefits.

DECISION:

The decision of the representative dated October 20, 2021, (reference 04) is reversed. Claimant has not been overpaid benefits in the amount of \$1,854.00.



Stephanie Adkisson
Administrative Law Judge
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January 31, 2022
Decision Dated and Mailed

sa/mh