

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JANET S HACHMEISTER
Claimant

APPEAL NO. 21A-UI-17024-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1R)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant, Janet Hachmeister, filed a timely appeal from the July 23, 2021, reference 02, decision that held she was overpaid \$4,480.00 in regular unemployment insurance benefits for 16 weeks between April 5, 2020 and July 25, 2020, due to a July 29, 2020 decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on September 28, 2021. The claimant participated. Exhibits A and B were received into evidence. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-17025-JTT. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KPY1, NMRO, the PUA Management Claim Detail, the July 30, 2020, reference 01, decision, and the administrative law judge decision in Appeal Number 20A-UI-09725-B2T.

ISSUE:

Whether the claimant was overpaid \$4,480.00 in regular unemployment insurance benefits for 16 weeks between April 5, 2020 and July 25, 2020, due to a July 29, 2020 decision that denied benefits in connection with an able and available determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective April 5, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$280.00. The claimant received \$4,480.00 in regular benefits for the 16 weeks between April 5, 2020 and July 25, 2020. The claimant also received \$9,600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits the same 16 weeks.

On July 30, 2020, Iowa Workforce Development Benefits Bureau issued the July 30, 2020, reference 01, decision that denied benefits effective April 5, 2020, based on the deputy's conclusion that the claimant requested and was granted a leave of absence from her employment with Thomas Rest Haven, that the claimant was voluntarily unemployed, and that the claimant was not available for work. The reference 01 decision that was mailed on July 30, 2020 was entered into the Iowa Workforce Development computer system on July 29, 2020. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The claimant filed an appeal from the reference 01 decision. On

September 30, 2020, an administrative law judge entered a decision in Appeal Number 20A-UI-09725-B2T that affirmed the July 30, 2020, reference 01, decision. The administrative law judge concluded that the claimant was not eligible for benefits from the start of the claim through August 8, 2020. The claimant did not appeal the administrative law judge decision.

On November 5, 2020, an Iowa Workforce Development Benefits Bureau deputy entered an Assessment for PUA Benefits that allowed benefits in the amount of \$280.00 for the period of March 29, 2020 through June 12, 2021, provided the claimant was otherwise eligible.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

Because the July 30, 2020, reference 01, decision denied benefits for the period beginning April 5, 2020, and because the reference 01 decision was affirmed on appeal, the \$4,480.00 in regular unemployment insurance benefits the claimant received for 16 weeks between April 5, 2020 and July 25, 2020 is an overpayment of benefits. The claimant is required to repay the overpaid regular benefits.

This matter will be remanded to the Benefits Bureau for an offset of PUA benefits, to the extent allowed by law, to recover the overpaid regular benefits.

DECISION:

The July 23, 2021, reference 02, decision is affirmed. The claimant was overpaid \$4,480.00 in regular unemployment insurance benefits for 16 weeks between April 5, 2020 and July 25, 2020, due to the July 30, 2020, reference 01, decision that denied benefits in connection with an able and available determination. The claimant is required to repay the overpaid regular benefits.

This matter is remanded to the Benefits Bureau for an offset of PUA benefits, to the extent allowed by law, to recover the overpaid regular benefits.



James E. Timberland
Administrative Law Judge

September 29, 2021
Decision Dated and Mailed

jet/scn