

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEANETTE GRIEBEL
Claimant

APPEAL 21A-UI-18824-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Jeanette Griebel, the claimant/appellant, filed an appeal from the August 24, 2021, (reference 02) unemployment insurance (UI) decision that concluded she was overpaid REGULAR unemployment insurance benefits in the amount of \$2,258.00. Ms. Griebel was properly notified of the hearing. A telephone hearing was held on October 19, 2021. Ms. Griebel participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Griebel been overpaid REGULAR UI benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Griebel received REGULAR UI benefits in the amount of \$2,258.00 for 13 weeks between March 29, 2020 and June 27, 2020.

On October 1, 2020, Iowa Workforce Development issued a reference 01 decision finding Ms. Griebel was not eligible for REGULAR UI benefits as of March 22, 2020. Ms. Griebel appealed the decision to the Appeals Bureau of Iowa Workforce Development. The administrative law judge's decision in Appeal 21A-UI-18823-DZ-T affirmed the reference 01 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Griebel has been overpaid REGULAR UI 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.

Ms. Griebel has been overpaid REGULAR UI benefits in the amount of \$2,258.00 for 13 weeks between March 29, 2020 and June 27, 2020, since she is not qualified and/or eligible to receive REGULAR UI benefits during those weeks per the October 1, 2020, (reference 01) decision, which was affirmed by the administrative law judge in Appeal 21A-UI-18823-DZ-T.

DECISION:

The August 24, 2021, (reference 02) unemployment insurance decision is affirmed. Ms. Griebel has been overpaid REGULAR UI benefits in the amount of \$2,258.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
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October 28, 2021
Decision Dated and Mailed

dz/kmj