

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RUSSELL W BAUGH**  
Claimant

**APPEAL 21A-UI-10928-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (5)**

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Iowa Code § 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the April 8, 2021 (reference 07) unemployment insurance decision that found claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$13,000.00 for thirty weeks between March 22, 2020 and October 24, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on July 14, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21R-UI-11729-DB-T; 21A-UI-10925-DB-T; 21A-UI-10926-DB-T; and 21A-UI-10927-DB-T.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 22, 2020. His established weekly benefit amount was \$500.00. He was paid regular unemployment insurance benefits funded by the State of Iowa from March 29, 2020 through October 24, 2020 in the amount of \$13,000.00. He was not paid benefits for the week-ending March 28, 2020 due to excessive earnings reported.

Iowa Workforce Development issued a decision dated November 24, 2020 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to a voluntary leave of absence from work. That decision was appealed and a hearing was held on February 22, 2021. Administrative Law Judge (ALJ) Beth Scheetz issued a decision dated March 2, 2021 that affirmed the underlying decision that the claimant was not eligible for benefits. See Appeal No. 21A-UI-01654-S1-T. Claimant filed an appeal to the Employment Appeal Board (EAB). The EAB issued an order dated April 26, 2021 that reversed the March 2, 2021 ALJ decision and remanded the case to the Appeals Bureau for a new hearing and decision on the merits. A new hearing date was scheduled for July 14, 2021 after due notice was issued to the parties. The undersigned ALJ issued a decision in Appeal

No. 21R-UI-11729-DB-T finding that the claimant was not eligible for benefits effective March 22, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

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

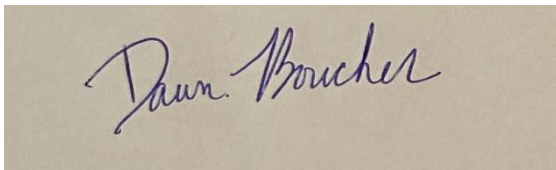
Iowa Code § 96.3(7)a provides:

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.

In this case, the claimant received regular unemployment insurance benefits from March 29, 2020 through October 24, 2020 in the amount of \$13,000.00 but was later determined to not be eligible for those benefits. This was due to the ALJ decision issued in Appeal No. 21R-UI-11729-DB-T finding that he was not eligible for benefits effective March 22, 2020. As such, the claimant is overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$13,000.00 for the weeks between March 29, 2020 and October 24, 2020.

**DECISION:**

The April 8, 2021 (reference 07) unemployment insurance decision is modified with no change in effect. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$13,000.00 between March 29, 2020 and October 24, 2020.



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Dawn Boucher  
Administrative Law Judge

July 26, 2021  
Decision Dated and Mailed

db/mh