

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GAYLE JONDLE
Claimant

APPEAL NO: 21A-UI-03693-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 14, 2020, (reference 02) unemployment insurance decision that concluded she was overpaid \$4329.00 in unemployment insurance benefits. After proper notice, a telephone hearing was conducted on March 17, 2021. The hearing was held jointly with Appeal 21A-UI-03692-SN-T. The claimant participated. The claimant's son, Jeremiah Jondle, provided witness testimony in support of the claimant's claim. Official notice of the administrative records was taken.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

The claimant filed for and received a total of \$4329.00 in regular, state unemployment insurance benefits for the weeks between March 29, 2020 and June 20, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-03692-SN-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid regular unemployment benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

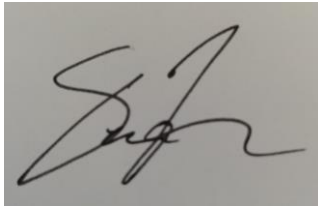
7. Recovery of overpayment of benefits.
 - a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault,

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$4329 in unemployment insurance benefits. The administrative law judge is sympathetic to the observations made by the claimant and her son, Jeremiah Jondle. However, the administrative law judge does not have the ability to issue equity remedies and is bound by the operation of law.

DECISION:

The unemployment insurance decision dated January 14, 2021, (reference 2), is affirmed. The claimant was overpaid \$4329 in regular, state unemployment insurance benefits.

A handwritten signature in black ink, appearing to read 'S. Nelson', is centered on a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

March 22, 2021
Decision Dated and Mailed

smn/lj