

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELA K BUBLITZ
Claimant

FOUR OAKS FAMILY AND CHILDREN'S
Employer

APPEAL 20A-UI-13587-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

On November 2, 2020, the claimant filed an appeal from the October 23, 2020, (reference 02) unemployment insurance decision found claimant overpaid benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 30, 2020. Claimant participated. Employer did not register for the hearing and did not participate. Department Exhibit 1 was received.

ISSUE:

Was the claimant overpaid unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received regular unemployment insurance benefits in the amount of \$1,250.00 for the seven weeks ending May 16, 2020.

On June 2, 2020, Iowa Workforce Development issued a reference 01 decision denying claimant unemployment insurance benefits effective March 29, 2020. That decision has been affirmed.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid 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) 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 § 96.8, subsection 5. . . .

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$1,250.00 pursuant to Iowa Code § 96.3(7) as claimant was not eligible for benefits during the seven weeks ending May 16, 2020.

DECISION:

The October 23, 2020, (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$1,250.00 for the seven weeks ending May 16, 2020, and is required to repay the benefits.



Christine A. Louis
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January 19, 2021
Decision Dated and Mailed

cal/scn