ARIEL R BALLARD Claimant **IOWA WORKFORCE** **DEVELOPMENT DEPARTMENT**	**APPEAL 21A-UI-17233-DB-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 06/07/20** **Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 3, 2021 (reference 06) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of $3,516.00 for twelve weeks between June 21, 2020 and September 12, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 18, 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. 21A-UI-17228-DB-T; 21A-UI-17229-DB-T; 21A-UI-17230-DB-T; 21A-UI-17231-DB-T; 21A-UI-17235-DB-T and 21A-UI-17237-DB-T.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa from June 21, 2020 through September 12, 2020?

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 June 7, 2020. She was paid regular unemployment insurance benefits funded by the State of Iowa from June 21, 2020 through September 12, 2020 in the amount of $3,516.00. She also received Federal Pandemic Unemployment Compensation (FPUC) benefits from June 21, 2020 through July 25, 2020 in the amount of $3,000.00 ($600.00 per week).

Iowa Workforce Development issued a decision dated September 16, 2020 (reference 03) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her voluntarily quitting work and benefits were denied. That decision was appealed and a hearing was held on October 18, 2021. Administrative Law Judge (ALJ) Dawn Boucher issued a decision that affirmed the underlying decision that the claimant was not eligible for benefits following a voluntary quitting of work. See Appeal No. 21A-UI-17229-DB-T.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:
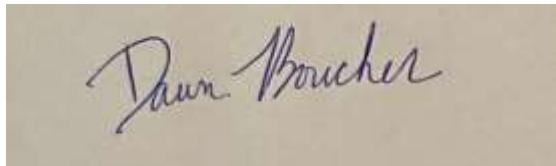
> 7. Recovery of overpayment of benefits.
>
> a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, **even though the individual acts in good faith and is not otherwise at fault,** the benefits shall be recovered. The department in its discretion 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.

(emphasis added).

In this case, the claimant received regular unemployment insurance benefits funded by the State of Iowa from June 21, 2020 through September 12, 2020 but was not eligible for those benefits due to a disqualifying decision dated September 16, 2020 (reference 03). That disqualifying decision was affirmed in the ALJ decision issued in Appeal No. 21A-UI-17229-DB-T. As such, the claimant has been overpaid unemployment insurance benefits funded by the State of Iowa in the amount of $3,516.00 for the weeks between June 21, 2020 and September 12, 2020.

DECISION:

The August 3, 2021 (reference 06) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of $3,516.00 for twelve weeks between June 21, 2020 and September 12, 2020.

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Dawn Boucher
Administrative Law Judge

October 27, 2021
Decision Dated and Mailed

db/ol