

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TERESE C WALLACE
Claimant

APPEAL NO. 22A-UI-06520-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On March 15, 2022, Terese Wallace (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated March 10, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,459.62 for the nine-week period between August 9 and October 10, 2020 as a result of a prior decision denying benefits.

A telephone hearing was held on April 26, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received UI in the amount of \$2,459.62 for the period in question. Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated March 2, 2021. That decision was affirmed by ALJ Sean Nelson in a decision dated June 1, 2021 and remains in force. See 21A-UI-07121-SN-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 10, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,459.62 for the nine-week period between August 9 and October 10, 2020 as a result of a prior decision denying benefits is AFFIRMED.

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.

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.

The administrative record shows claimant received UI in the amount of \$2,459.62 for the period in question. Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated March 2, 2021. That decision was affirmed by ALJ Sean Nelson in a decision dated June 1, 2021 and remains in force. See 21A-UI-07121-SN-T.

Claimant received UI in the amount of \$2,459.62 during a period she was disqualified from benefits. She was therefore overpaid in that amount.

DECISION:

The decision dated March 10, 2022 (reference 04) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$2,459.62 for the nine-week period between August 9 and October 10, 2020 as a result of a prior decision denying benefits is **AFFIRMED**.



Andrew B. Duffelmeyer
Administrative Law Judge

April 28, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

Individuals who do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is the PIN you used for the hearing.**