

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALAN W BLANCHARD
Claimant

APPEAL NO. 21A-UI-11868-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (3)

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

STATEMENT OF THE CASE:

On April 14, 2021, Alan Blanchard (claimant/appellant) appealed the April 9, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,348.00 for the six-week period between July 12 and August 22, 2020, as a result of a redetermination dated October 26, 2020.

A telephone hearing was held on July 16, 2021, 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?

FINDINGS OF FACT:

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

A decision was issued on October 26, 2020, finding benefits could not be paid to claimant based on his service in an educational institution between academic years or terms but that he had sufficient non-educational wage credits to be otherwise eligible for benefits. That decision was subsequently affirmed by an administrative law judge and the Employment Appeal Board (EAB). See 20A-UI-13691-JC-T; 21B-UI-13691.

Another decision issued October 26, 2020 established an updated weekly benefit amount of \$209.00. That decision was affirmed by an administrative law judge. See 20A-UI-13692-JC-T. However, the EAB determined claimant's weekly benefit amount should have been calculated as \$279.00 per week, and remanded the matter to the Benefits Bureau to make that change.

The Benefits Bureau issued a corrected monetary record on July 22, 2021, finding claimant's weekly benefit amount during the relevant period is \$279.00. The Benefits Bureau also issued an overpayment decision at that time (reference 07) based on the corrected weekly benefit amount

of \$279.00, finding claimant was overpaid benefits in the amount of \$1,392.00 during the relevant period.

Claimant filed a claim for benefits the benefit week ending August 22, 2020. The administrative record shows during the period between June 21, 2020 and August 22, 2020, claimant reported earning wages in excess of his weekly benefit amount plus \$15.00, or \$294.00, in each week filed. Claimant received benefits totaling \$1,392.00 during that period, beginning with the week of July 12, 2020 and continuing through the week ending August 22, 2020. Because claimant earned wages in excess of his weekly benefit amount plus \$15.00 in each of those weeks, he was not eligible for benefits in those weeks.

Claimant argues he should not be liable for any overpayment because the overpayment accrued due to no fault of his own.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the April 9, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,348.00 is MODIFIED consistent with the August 22, 2020 (reference 07) decision finding claimant overpaid benefits in the amount of \$1,392.00.

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

7. Recovery of overpayment of benefits.

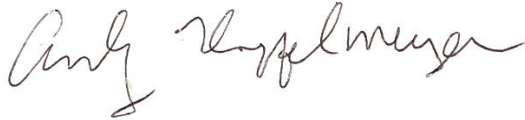
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

Claimant received benefits totaling \$1,392.00 for which he was later determined to be ineligible. While the administrative law judge understands claimant's frustration with the overpayment given that it accrued due to no fault of his own, applicable law requires repayment even where that is the case.

DECISION:

The April 9, 2021 (reference 04) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$1,348.00 is MODIFIED consistent with the August 22, 2020 (reference 07) decision finding claimant overpaid benefits in the amount of \$1,392.00.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

July 28, 2021
Decision Dated and Mailed

abd/lj

Note to Claimant:

If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If this decision determines you have been overpaid FPUC and/or PEUC, you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.