

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

COURTNEY HARMS
Claimant

APPEAL 21A-UI-11367-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/17/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 31, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$6,004.00 for thirteen weeks between May 17, 2020 and August 15, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on July 9, 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-11368-DB-T.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa from May 17, 2020 through August 15, 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 May 17, 2020 following her separation from employment with Principal Life Insurance Co. She was paid regular unemployment insurance benefits funded by the State of Iowa from May 17, 2020 through August 15, 2020 in the amount of \$6,004.00. Claimant was also paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$6,000.00 for ten weeks ending July 25, 2020.

Iowa Workforce Development issued a decision dated August 17, 2020 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her discharge from work on May 20, 2020. That decision was appealed and a hearing was scheduled for September 23, 2020 in Appeal No. 20A-UI-09855-J1-T. Claimant failed to appear for the hearing and a default decision was issued affirming the underlying disqualification decision. Claimant filed an appeal to the Employment Appeal Board (EAB) which issued a decision on November 5, 2020 in Appeal No. 20B-09855 remanded the matter back to the Appeals Bureau to reschedule a new hearing with due notice issued to both parties. The matter was rescheduled for a new hearing on January 14, 2021 in Appeal No.

20R-UI-14401-DG-T. On February 1, 2021, a decision in Appeal No. 20R-UI-14401-DG-T was entered which adopted the findings of fact and conclusions of law from the previous decision issued in Appeal No. 20A-UI-09855-J1-T and the claimant remained disqualified from receipt of benefits due to a disqualifying discharge from employment. No further appeal was filed and that decision became final.

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.

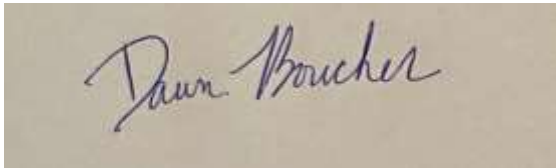
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, **even though the individual acts in good faith and is not otherwise at fault**, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either 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 May 17, 2020 through August 15, 2020 but was not eligible for those benefits due to a disqualifying separation from employment decision. The ALJ decision issued on February 1, 2021 in Appeal No. 20R-UI-14401-DG-T found that the claimant was not eligible for benefits. No further appeal was filed and that decision became final. As such, the claimant was overpaid unemployment insurance benefits funded by the State of Iowa in the amount of \$6,004.00 for thirteen weeks between May 17, 2020 and August 15, 2020.

DECISION:

The March 31, 2021 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$6,004.00 for thirteen weeks between May 17, 2020 and August 15, 2020.



Dawn Boucher
Administrative Law Judge

July 21, 2021
Decision Dated and Mailed

db/ol