

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CHELSI R DELING**  
Claimant

**APPEAL NO. 21A-UI-14241-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/05/20**  
**Claimant: Appellant (1R)**

Iowa Code Section 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 9, 2021, reference 02, decision that held she was overpaid \$5,940.00 in regular state benefits for 12 weeks between April 12, 2020 and July 4, 2020, based on a July 8, 2020 decision that denied benefits in connection with a determination that the claimant was not able to work and/or not available for work within the meaning of the law. After due notice was issued, a hearing was held on July 24, 2021. The claimant participated in the hearing. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: The July 8, 2020, reference 01, decision, the administrative law judge decision in Appeal Number 20A-UI-07827-AW-T, NMRO, DBRO, KPYX, KPY1, and the DUA Claim Detail.

**ISSUE:**

Whether the claimant was overpaid \$5,940.00 in regular state benefits for 12 weeks between April 12, 2020 and July 4, 2020, based on a July 8, 2020 decision that denied benefits in connection with a determination that the claimant was not able to work and/or not available for work within the meaning of the law.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective April 5, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$495.00. The claimant received \$5,940.00 in regular benefits for 12 weeks between April 5, 2020 and July 4, 2020.

On July 8, 2020, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that denied regular state benefits effective April 5, 2020, based on the deputy's conclusion that the claimant requested and was approved for a leave of absence, was voluntarily unemployed, and was not available for work within the meaning of the law. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter.

The claimant appealed the reference 01 decision. An administrative law judge entered a decision in Appeal Number 20A-UI-07827-AW-T that affirmed the reference 01 decision and the denial of regular state benefits effective April 5, 2020. The claimant did not appeal the administrative law judge and the decision became final.

On September 1, 2021, Iowa Workforce Development Benefits Bureau issued a decision that allowed \$495.00 in weekly Pandemic Unemployment Assistance (PUA) benefits for the period beginning April 12, 2020 through June 12, 2020.

On September 2, 2020, Iowa Workforce Development Benefits Bureau commenced paying PUA benefits for the period beginning July 5, 2021.

However, the Benefits Bureau has not “worked” the claim for the 12-week period of April 12, 2020 through July 4, 2020, to offset the PUA benefits allowed for that period against the regular benefits paid for that 12-week period.

#### **REASONING AND CONCLUSIONS OF LAW:**

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.

Because the July 8, 2020, reference 01, decision denied regular state benefits effective April 5, 2020, and because that decision was affirmed on appeal, the \$5,940.00 in regular state benefits that the claimant received for 12 weeks between April 12, 2020 and July 4, 2020 is an overpayment of benefits. The law requires that the overpaid regular benefits be recovered from the claimant.

In light of the decision allowing PUA benefits for the period beginning April 12, 2020, this matter will be remanded to the Benefits Bureau for an offsetting of PUA Benefits approved for the 12-week period of April 12, 2020 through July 4, 2020 against the overpayment of regular benefits for that period.

**DECISION:**

The June 9, 2021, reference 02, decision is affirmed. The claimant was overpaid \$5,940.00 in regular state benefits for 12 weeks between April 12, 2020 and July 4, 2020. The overpaid regular benefits must be recovered. This matter is **remanded** to the Benefits Bureau for an offsetting of PUA Benefits approved for the 12-week period of April 12, 2020 through July 4, 2020 against the overpayment of regular benefits for that period.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

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James E. Timberland  
Administrative Law Judge

July 30, 2021  
Decision Dated and Mailed

jet/scn