

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NICOLA JOHNSON
Claimant

APPEAL NO. 22A-UI-02483-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/24/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On January 3, 2022, Nicola Johnson (claimant/appellant) appealed the decision dated December 23, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,654.00 for the twelve-week period between May 31 and August 22, 2020, as a result of a decision denying benefits.

A telephone hearing was held on February 21, 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 regular, state unemployment insurance benefits in the gross amount of \$3,654.00 during the period in question.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated May 4, 2021. That decision was not appealed further and remains in force.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated December 23, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,654.00 for the twelve-week period between May 31 and August 22, 2020 as a result of a 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 regular, state unemployment insurance benefits in the gross amount of \$3,654.00 during the period in question.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated May 4, 2021. That decision was not appealed further and remains in force.

Because claimant received UI benefits totaling \$3,654.00 which she was later deemed ineligible for, she has been overpaid in that amount.

DECISION:

The decision dated December 23, 2021 (reference 02) that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$3,654.00 for the twelve-week period between May 31 and August 22, 2020 as a result of a decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

March 8, 2022
Decision Dated and Mailed

abd/abd

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 federal pandemic-related benefits 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 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.**