

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MELISSA A ADAM
Claimant

APPEAL NO. 22A-UI-06836-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (2)

Iowa Code Section 96.3(7) - Overpayment

STATEMENT OF THE CASE:

On March 21, 2022, Melissa Adam (claimant) filed a timely appeal from the March 16, 2022 (reference 02) decision that held the claimant was overpaid \$98.00 in regular state benefits for two weeks between April 12, 2020 and May 2, 2020, due to a March 22, 2021 decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on May 3, 2022. The claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-06835-JT-T, 22A-UI-06836-JT-T and 22A-UI-06837-JT-T. Exhibits 1, 2 and 3, and A through D were received into evidence. The administrative law judge took official notice of DBRO, KPYX, KCCO, the reference 01 decision, and reference 01 supportive documentation

ISSUES:

Whether the claimant was overpaid \$98.00 in regular state benefits for two weeks between April 12, 2020 and May 2, 2020, due to a March 22, 2021 decision that denied benefits in connection with an able and available determination.

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 March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$208.00. The claimant made weekly claims for each of the 10 weeks between March 22, 2020 and May 30, 2022. For the week that ended April 18, 2020 and the week that ended May 2, 2020, IWD paid \$49.00 in regular benefits and \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) to the claimant.

On March 23, 2021, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that denied benefits for the period beginning March 22, 2020, based on the deputy's conclusion that the claimant was still employed for the same hours and wages as in the original contract of hire and could not be considered partially unemployed with the meaning of the law. The reference 01 decision prompted the overpayment decision from which the claimant appeals

in the present matter. The reference 01 decision has been modified in Appeal Number 22A-UI-06835-JT-T in favor of the claimant to allow benefits for the weeks that ended April 18, 2020 and May 2, 2020, provided the claimant was otherwise eligible.

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 disqualification decision that prompted the overpayment decision has been modified in favor of the claimant to allow benefits for the weeks that ended April 18, 2020 and May 2, 2020, provided the claimant was otherwise eligible, the \$98.00 in regular benefits the claimant received for those two weeks is not an overpayment of benefits.

DECISION:

The March 16, 2022 (reference 02) decision is REVERSED. The \$98.00 in regular benefits the claimant received for the weeks that ended April 18, 2020 and May 2, 2020 is not an overpayment of benefits.



James E. Timberland
Administrative Law Judge

May 31, 2022
Decision Dated and Mailed

jet/kmj