

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KEVIN G ALSTON**  
Claimant

**CINTAS CORPORATION NO 2**  
Employer

**APPEAL 21A-UI-25124-AR-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/15/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant, Kevin G. Alston, filed an appeal from the November 1, 2021, (reference 03) unemployment insurance decision that determined claimant was overpaid regular unemployment insurance benefits in the amount of \$1,400.00 for the six-week period ending December 26, 2020. After due notice was issued, a telephone hearing was held on January 11, 2022, and was consolidated with the hearing for appeal number 21A-UI-25123-AR-T. The claimant participated personally. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant overpaid regular unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received regular unemployment insurance benefits in the gross amount of \$1,400.00 for the six-week period ending December 26, 2020. On January 22, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed. See 21A-UI-25123-AR-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

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 law judge concludes that the claimant has been overpaid regular unemployment insurance benefits in the amount of \$1,400.00 pursuant to Iowa Code section 96.3(7) as the disqualification decision that created the overpayment decision has been affirmed.

**DECISION:**

The November 1, 2021 (reference 03) decision is affirmed. Claimant has been overpaid regular unemployment insurance benefits in the amount of \$1,400.00, which must be repaid.



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Alexis D. Rowe  
Administrative Law Judge

February 2, 2022  
Decision Dated and Mailed

ar/kmj