

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOEL MILLER
Claimant

APPEAL NO. 21A-UI-17114-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (3)

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

STATEMENT OF THE CASE:

On August 3, 2021, Joel Miller (claimant/appellant) appealed the July 27, 2021 (reference 06) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$17.73 for the 13-week period between May 17 and August 15, 2020, based on a decision finding claimant ineligible for benefits.

A telephone hearing was held on September 29, 2021, 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?

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 amount of \$142.00 per week for a total of 12 weeks, from the benefit week ending May 23, 2020 and continuing through the benefit week ending August 8, 2020. He also received benefits in the amount of \$69.00 in the week ending August 15, 2020. The total amount of regular, state unemployment insurance benefits paid during this period is \$1,773.00.

Claimant was subsequently determined to be ineligible for benefits during this period in a decision dated October 27, 2020. That decision remains in force. See 20A-UI-10885-CL-T.

Another decision finding claimant was overpaid benefits in the amount of \$1,773.00 during the above period was issued on August 2, 2021 (reference 08). That decision has been affirmed. See 21A-UI-17116-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the July 27, 2021 (reference 06) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$17.73 for the 13-week period between May 17 and August 15, 2020 is MODIFIED. The correct overpayment amount is \$1,773.00, as reflected in the decision dated August 2, 2021 (reference 08).

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 amount of \$142.00 per week for a total of 12 weeks, from the benefit week ending May 23, 2020 and continuing through the benefit week ending August 8, 2020. He also received benefits in the amount of \$69.00 in the week ending August 15, 2020. The total amount of regular, state unemployment insurance benefits paid during this period is \$1,773.00.

Claimant was subsequently determined to be ineligible for benefits during this period in a decision dated October 27, 2020. That decision remains in force. See 20A-UI-10885-CL-T.

Because claimant received unemployment insurance benefits in the amount of \$1,773.00 for which he was later deemed ineligible, he has been overpaid in that amount.

DECISION:

The July 27, 2021 (reference 06) decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$17.73 for the 13-week period between May 17 and August 15, 2020 is MODIFIED. The correct overpayment amount is \$1,773.00, as reflected in the decision dated August 2, 2021 (reference 08).



Andrew B. Duffelmeyer
Administrative Law Judge

Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 30, 2021
Decision Dated and Mailed

abd/ol

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 FPUC and/or PEUC, 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 are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.