

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KATHLEEN S SMITH**  
Claimant

**APPEAL 21A-UI-19171-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/13/20  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On August 25, 2021, the claimant/appellant filed an appeal from the August 17, 2021, (reference 05) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$5,122.00 as a result of a disqualification decision. The parties were properly notified of the hearing. A telephone hearing was held on October 20, 2021. The claimant participated at the hearing. Administrative notice was taken of claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant overpaid benefits which must be repaid?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of September 13, 2020. The claimant filed for and received a total of \$5,122.00 in unemployment insurance benefits for the weeks between September 20, 2020, and December 19, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the Employment Appeal Board in appeal 21B-UI-02513.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was overpaid unemployment insurance benefits.

Iowa Code § 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$5,122.00 in unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated August 17, 2021 (reference 05), is affirmed. The claimant was overpaid \$5,122.00 in unemployment insurance benefits, which must be repaid.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

October 28, 2021  
Decision Dated and Mailed

cs/scn