

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LISA M DIRKS**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-09255-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (1R)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 18, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was scheduled for June 17, 2021, at 8:05 a.m. No hearing was held, because claimant was not available at the registered telephone number. Based upon a review of the administrative record and claimant's appeal, a decision can be made without additional testimony. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid UI benefits

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI benefits in the gross amount of \$2,760.00 for the eight-week period between May 31, 2020 and July 25, 2020. On July 31, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits effective May 31, 2020. That decision has been affirmed (see appeal number 21A-UI-09254-AW-T).

On August 24, 2020, claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 29, 2020. Whether claimant's PUA benefits may be used to offset claimant's UI benefit overpayment has not been reviewed by IWD Benefits Bureau.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

*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.

The decision that denied claimant UI benefits remains in effect. Therefore, claimant has received UI benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid UI benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

**DECISION:**

The March 18, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$2,760.00, which must be repaid.

**REMAND:**

The issue of whether claimant's overpayment of UI benefits may be recovered from claimant's PUA benefits is remanded to the Benefits Bureau of Iowa Workforce Development for review.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
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June 29, 2021  
Decision Dated and Mailed

acw/kmj