

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STANLEY E. PETERSEN
Claimant

APPEAL 22A-UI-09759-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/17/21
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

On April 19, 2022, the claimant/appellant filed an appeal from the April 12, 2022, (reference 04) unemployment insurance decision that concluded the claimant was overpaid unemployment insurance benefits in the amount of \$10,089.00 as a result of a disqualification decision. The appellant was properly notified of the hearing. A telephone hearing was held on May 9, 2022. The hearing was held together with appeal 22A-UI-06508-CS-T and combined into one record. The claimant participated through his attorney Allyson C. Dirksen. Administrative notice was taken of the claimant's unemployment insurance benefits records.

ISSUE:

Was 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 October 17, 2021. Claimant's weekly benefit amount is \$531.00 per week.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in a decision of the administrative law judge in appeal 22A-UI-06508-CS-T. Claimant is disqualified from receiving benefits from October 17, 2021, through week ending January 8, 2022. Claimant is also disqualified from benefits from the week beginning February 13, 2022, through April 9, 2022.

The claimant filed for and received a total of \$6,372.00 in unemployment insurance benefits for the weeks between October 17, 2021, through January 8, 2022. Claimant received a total of \$1,062.00 in unemployment benefits for the weeks between February 13, 2022, through April 9, 2022. In total claimant received \$7,434.00 in unemployment benefits for these weeks.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated below the administrative law judge finds 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.

The decision disqualifying the claimant has been modified and the claimant was disqualified from benefits from October 17, 2021, through January 8, 2022, and February 13, 2022, through April 9, 2022. As a result, the claimant was overpaid \$7,434.00 in unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated April 12, 2022 (reference 04), is MODIFIED in favor of Appellant. The claimant was overpaid \$7,434.00 in unemployment insurance benefits, which must be repaid.



Carly Smith
Administrative Law Judge

May 26, 2022
Decision Dated and Mailed

cs/scn