

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANITA K SHEKINAH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 20A-UI-13634-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/01/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant, Anita K. Shekinah, filed an appeal from the October 27, 2020 (reference 05) decision that established an overpayment of benefits in the amount of \$596.00 for the period between May 3, 2020 and June 6, 2020. A telephone hearing was held on February 9, 2021. The hearing was held together with Appeals 20A-UI-13629-JC-T, 20A-UI-13632-JC-T, 20A-UI-13630-JC-T, 20A-UI-13635-JC-T, 20A-UI-13638-JC-T and 20A-UI-13642-JC-T.

The claimant participated personally and was represented by Nadine Stille, attorney at law.

The administrative law judge took official notice of the administrative records. Department Exhibit D1- through D10, and Claimant Exhibits A and B were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established her claim for benefits with an effective date of March 1, 2020. As a result of Appeals 20A-UI-13629-JC-T, 20A-UI-13630-JC-T and 20A-UI-13632-JC-T, claimant's monetary record was recalculated to exclude educational wages, which reduced her weekly benefit amount.

The claimant's first four weeks of benefits were paid at a higher weekly benefit amount. Based on the claimant's reduced benefit amount of \$77.00, the following overpayment was established.

Week Ending	Claimant Paid	Claimant Entitled	Overpayment
05/09/20	\$226.00	\$77.00	\$149.00
05/23/20	\$226.00	\$77.00	\$149.00
05/30/20	\$226.00	\$77.00	\$149.00
06/06/20	\$226.00	\$77.00	\$149.00
06/13/20	\$77.00	\$77.00	\$0.00
06/20/20	\$77.00	\$77.00	
06/27/20	\$77.00	\$77.00	
07/04/20	\$77.00	\$77.00	
07/11/20	\$77.00	\$77.00	
07/18/20	\$77.00	\$77.00	
07/25/20	\$77.00	\$77.00	
08/01/20	\$63.20	\$63.20	
	\$1,506.20	\$910.20	\$596.00

REASONING AND CONCLUSIONS OF LAW:

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

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.

Based upon claimant's recalculated monetary record dated June 16, 2020, claimant was entitled to benefits for the period of May 3, 2020 through June 6, 2020 but at a weekly benefit amount of \$77.00. Accordingly, the administrative law judge concludes the claimant was overpaid \$596.00 for the period of May 3, 2020 through June 6, 2020. These benefits are subject to recovery.

DECISION:

The October 27, 2020 (reference 05) initial decision is affirmed. The claimant is overpaid \$596.00 for the period between May 3, 2020 and June 6, 2020.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

March 01, 2021
Decision Dated and Mailed

jlb/ol

Note to Claimant:

This decision denies benefits. *If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.* 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>