

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DONALD JESSEN
Claimant

APPEAL NO. 21A-UI-17759-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant, Donald Jessen, filed a timely appeal from the August 4, 2021, reference 03, decision that held the claimant was overpaid \$1,616.00 in regular state unemployment insurance benefits for 16 weeks between April 26, 2020 and August 22, 2020, based on the September 3, 2020 decision that denied benefits in connection with an able and available determination. After due notice was issued, a hearing was held on October 5, 2021. There were three appeal numbers set for a consolidated hearing: 21A-UI-17759-JTT, 21A-UI-17760-JTT, and 21A-UI-17761-JTT. The claimant participated personally and was represented by attorney Christopher Wendland. Exhibits A through D and Department Exhibits D-1 through D-8 were received into evidence.

ISSUE:

Whether the claimant was overpaid \$1,616.00 in regular state unemployment insurance benefits for 16 weeks between April 26, 2020 and August 22, 2020, based on the September 3, 2020 decision that denied benefits in connection with an able and available determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Donald Jessen, established an original claim for benefits that was effective April 26, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$130.00. The claimant received \$1,616.00 in regular state benefits for 16 of the 17 weeks between April 16, 2020 and August 22, 2020. The claimant also received \$7,200.00 in Federal Pandemic Emergency Unemployment Compensation (FPUK) for 12 of the 13 weeks between April 26, 2020 and July 25, 2020. The claimant also received \$1,200.00 in Lost Wages Assistance Payments (LWAP) for four weeks between July 26, 2020 and August 22, 2020.

On September 4, 2020, and Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that denied benefits effective April 26, 2020, based on the deputy's conclusion that the claimant had requested and been approved for a leave of absence, was voluntarily unemployed, and not available for work. The reference 02 decision prompted the

overpayment decision from which the claimant appeals in this matter. The reference 02 decision has been affirmed in Appeal Number 20A-UI-11490-AD-T. The claimant did not file an appeal from the administrative law judge decision in that appeal number.

REASONING AND CONCLUSIONS OF LAW:

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.

Because the September 4, 2020, reference 02, decision denied benefits for the period beginning April 26, 2020, and because the reference 02, decision was affirmed on appeal, the \$1,616.00 in regular state unemployment insurance benefits that the claimant received for 16 weeks between April 26, 2020 and August 22, 2020 is an overpayment of benefits. The claimant must repay the overpaid benefits.

DECISION:

The August 4, 2021, reference 03, decision is affirmed. The claimant was overpaid \$1,616.00 in regular state unemployment insurance benefits for 16 weeks between April 26, 2020 and August 22, 2020, based on the reference 02 decision that denied benefits for the period beginning April 26, 2020. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

November 23, 2021
Decision Dated and Mailed

jet/scn

Note to Claimant: This decision determines you are overpaid regular unemployment insurance 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 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>.