

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JUSTIN J TALBERT**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-07898-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/27/21**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Justin J Talbert, the claimant/appellant, filed an appeal from the March 24, 2022 (reference 10) unemployment insurance (UI) decision that concluded he was overpaid REGULAR (state) UI benefits in the amount of \$10,080.00. The parties were properly notified about the hearing. A telephone hearing was held on May 12, 2022. Mr. Talbert participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Has Mr. Talbert been overpaid REGULAR (state) UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Talbert filed an initial claim for REGULAR (state) UI benefits effective June 27, 2021. In relevant part, Mr. Talbert filed weekly continued claims and IWD paid him REGULAR (state) UI benefits in the gross amount of \$10,080.00 for 20 weeks between September 5, 2021 and February 19, 2022.

Almost eight months after he filed his initial claim effective June 27, 2021, and after he had already received REGULAR (state) UI benefits, IWD issued two decisions on March 7, 2022. The March 7, 2022, (reference 06) UI decision denied UI benefits from January 30, 2022 through February 5, 2022 because Mr. Talbert was not ready, willing and able to work during that week. The March 7, 2022, (reference 08) UI decision denied Mr. Talbert benefits as of February 13, 2022 because he did not report to IWD for an appointment. IWD also issued a March 11, 2022, (reference 07) UI decision finding Mr. Talbert not eligible for REGULAR (state) UI benefits because of a September 9, 2021, 2020 quit from employment with employer Hy-Vee.

Mr. Talbert appealed all three UI decisions to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-08502-DZ-T affirmed the March 7, 2022, (reference 06) UI decision that denied REGULAR (state) UI benefits from January 30, 2022 through February 5, 2022. The administrative law judge's decision in Appeal

22A-UI-08503-DZ-T affirmed the March 7, 2022, (reference 08) UI decision that denied REGULAR (state) UI benefits as of February 13, 2022. The administrative law judge's decision in Appeal 22A-UI-07897-DZ-T reversed the reference 07 UI decision that denied REGULAR (state) UI benefits because of a September 9, 2021, 2020 quit from employment with employer Hy-Vee.

The result of these decisions is that Mr. Talbert is eligible for REGULAR (state) UI benefits as of September 9, 2021, but he is not eligible for the week of January 30, 2022 through February 5, 2022 and he is not eligible as of February 13, 2022.

#### **REASONING AND CONCLUSIONS OF LAW:**

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

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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Since Mr. Talbert is not eligible for REGULAR (state) UI benefits for the week of January 30, 2022 through February 5, 2022, and he is not eligible as of February 13, 2022, Mr. Talbert has been overpaid REGULAR (state) UI benefits in the gross amount of \$504.00 for the week of January 30, 2022 through February 5, 2022, and \$504.00 for the week of February 13-19, 2022. The total amount Mr. Talbert has been overpaid is \$1,008.00. This overpayment should be repaid.

Mr. Talbert has not been overpaid REGULAR (state) UI benefits based on his September 9, 2021 separation from employment with employer Hy-Vee Inc.

**DECISION:**

The March 24, 2022, (reference 10) decision is MODIFIED IN FAVOR OF THE APPELLANT, Mr. Talbert. Mr. Talbert has been overpaid REGULAR (state) UI benefits in the gross amount of \$1,008.00.



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June 27, 2022  
Decision Dated and Mailed

dz/mh